NATIONAL MUNICIPAL REVIEW

VOL. X, No. 7 JULY, 1921 TOTAL No. 61

VIEWS AND REVIEWS

Statistics concerning the state income tax given out recently by the New York state comptroller show that in the $1,000–$2,000 income class, 321,170 persons paid $1,015,823 in income taxes. In the $1,000,000 and over class, 40 persons paid $8,851,306 as income tax.

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Blair County, Pennsylvania, reports that it costs only half as much to operate the county jail under the straight salary system as it did under the fee system abolished when the present warden took office. Several years ago the Peoples' Association of Delaware County, Pennsylvania, discovered that the county had spent in one year about $70,000 in a wholly legal manner for which the county received no material benefits or services at all.

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Baltimore citizens are undertaking a campaign of education throughout Maryland to secure increased representation for the city in the state legislature. They ask for fourteen senators instead of four, and thirty-seven delegates instead of twenty-four.

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Lack of confidence in the present city government is announced as the reason for the recent defeat of charter amendments authorizing increased tax rates for schools and city departments of St. Paul. The demand for a new charter is increasing.

The women were responsible for the adoption of the city-manager plan in Miami at the election last May. The man's vote showed a majority of 80 against the project, but the women, who cast a total of 1,300 votes, carried the election.

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A law giving cities the right to zone for building purposes was passed at the recent session of the Michigan legislature. A constitutional amendment providing for excess condemnation was also passed, and will be voted on by the people.

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Reports from Cleveland state that the city-manager plan has more than a fighting chance in the election which will undoubtedly be held this fall. Dissatisfaction with the present administration, which held some promise at the start, is general. The machines of both political parties will oppose it. The Cleveland *Press* claims that these organizations are raising a big fund to combat city-manager government.

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The public service commission has ordered a return to the five-cent street car fare in Indianapolis, with a two-cent transfer charge. The order expires August 1, and until then the effect of the lower fare on jitney bus competition will be studied. A new routing plan has been worked out,

which, it is hoped, will also help solve the jitney problem.

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The Louisiana constitutional convention has adopted the following regarding parochial (county) government:

"The legislature shall provide optional plans for the organization of parochial government, and any parish may change from one plan so prescribed, to another, when authorized by a majority of its electors voting at an election held for such purpose."

While this is not so broad a grant of home rule as that possessed by the counties in California or Maryland, it is well in advance of what other states enjoy.

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Long Beach is the first California city to signal the reaction of popular sentiment against liberal methods of direct legislation. Under the new charter no initiatory measure can be placed on the municipal ballot in that city until it has been signed by 25 per cent of the qualified electors. Referendum petitions may not be circulated at all. They can be filed at the city hall, and those wishing to protest against an ordinance passed by the council must go there to sign them. Before such a petition becomes effective it must also be signed by 25 per cent of the registered citizens.

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The city of New York will accept the offer of the Fifth Avenue Association to erect permanent traffic towers of attractive design on Fifth Avenue in place of the present temporary structures. The tower system of traffic control on this crowded highway has proved very successful.

Special Deputy Police Commissioner Harriss, who erected and maintained the present towers at his own expense, states that during the time they have been in place, the insurance companies have reported a saving of $2,000,000 in small accident indemnities; 92½ per cent of the drivers adhere to the system, and telephonic connection between the towers makes it possible to apprehend those who do not.

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The successful struggle for a city-manager charter in New London, Connecticut, was enlivened by the charge that city officeholders had been ordered to "come across" for the fund to defeat the plan. According to press reports the civil servants responded with discouraging alacrity. They were slow to believe that the new plan would be a menace to their jobs. The new charter was adopted by vote of the people on June 7 by a vote of two to one. New London is the first city in Connecticut to adopt manager government.

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Beginning in October, Philadelphia is to conduct a forum for the discussion of civic, educational, literary and musical subjects. In all, seventy-five meetings will be held. The forum is being organized under the joint auspices of the Civic Club, the University Extension Society, the City Club and the Academy of Music Corporation. The fee will be only ten dollars for the whole series. The chairman is Mr. Roland S. Morris, and the vice-chairmen are Mrs. Edward W. Biddle and Mr. Edward Bok. Mr. Bok has recently established an annual prize of $10,000 to be awarded to the citizen who has done the most for Philadelphia during the year. It will be no encouragement to the city government, however, since public officials are not to be eligible to the prize.

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The administrative reorganization code recently adopted in Washington recited that, in view of the heavy ex-

penses of the state government in the face of inadequate revenues, it be declared an emergency measure effective at once. Opponents of the code applied for a *mandamus* compelling the secretary of state to accept referendum petitions regardless of the emergency clause, but the state supreme court denied the writ in a divided opinion. The majority of the court declined to go back of the legislative opinion that an emergency existed; but the minority examined the grounds for such a declaration and found them untenable. The state had existed for thirty-two years without the code, and the denial of the right of referendum was legislative usurpation in the eyes of the minority.

The use of the emergency clause in states having the referendum is a subject on which we wish to report in a future issue.

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Before adjourning, the New York legislature passed a veterans' preference act by which every disabled veteran is entitled to preference, without regard to his standing on the eligible list, in original appointment to the civil service of the state or any local subdivision, provided he fulfills the minimum qualifications. Every veteran is entitled to preference over all other persons with a rating equal to that of the veteran.

Governor Sproul of Pennsylvania has vetoed a bill recently passed by the Pennsylvania legislature to amend the Philadelphia charter so as to provide that a preference be given to all honorably discharged soldiers and sailors. The act if signed would have meant that, provided any of the persons enumerated could have passed a civil service examination with a mere passing mark, they would automatically have jumped to the head of the eligible list.

Civic Tours to National Parks

The future of the national parks depends not on the government, but on the people. If the parks are used and enjoyed to the fullest extent by their owners there will be little chance for commercial invasion.

Many persons will go to the parks for the sheer emotional pleasure of living in the open and looking upon scenery of unrivaled magnificence. But before another summer has gone by, the American Civic Association hopes to organize civic tours to the national parks under leaders who can explain the geological history of the marvelous granite, glacial and lava formations and the biological history of the plant and animal life.

Since the surest protection of the national parks is the intelligent appreciation and use of these great possessions of the people, what more valuable contribution to popular education in geology, biology and American history could be made than by means of field classes conducted in the national parks of the West? H. J.

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Secretary Fall Denounces Walsh Bill

Secretary Fall has denounced the raid by private interests on Yellowstone Park contemplated by the Walsh bill and stated the principles which should control our national parks. "These parks," declares the secretary of the interior, "were created by congress for the preservation of the scenery forests, and other objects of beauty and interest in their natural condition, and they are created and maintained for general and national purposes as contradistinguished from local development." The secretary goes further. He looks into the future and states it as his opinion that even "if cases be found where it is necessary and advisable in

the public interest to develop power and irrigation possibilities in national parks, and it can be done without interference with the purposes of their creation," "it should only be permitted to be done, whether through the use of private or public funds, on specific authorization by congress, the works to be constructed and controlled by the federal government." The many members of the American Civic Association who have worked for the creation of the national park service, and for the extension and protection of national parks will be gratified to learn of the stand taken by the secretary of the interior. H. J.

Commission Government in Des Moines

"The Referee" in the *Des Moines News* has made some observations on commission government which we reprint in this issue. The trouble, there, seems to be to get experienced administrators as heads of the various departments. The recommendation is to elect men to specific departments rather than to allow the commissioners to parcel out the headships among themselves. The real difficulty, of course, arises from the belief that the people can choose executives for special duties. As a matter of fact, the people have and always will be guided by other considerations than executive capacity in electing public officials. Their instinct, perfectly sound, leads them to vote for men as representatives. They vote for personalities and policies, not for financial or paving experts. The most we have a right to expect from an elected commission, therefore, is that it will represent us on policies and that it will supervise for us the city's administrative business as the details are being worked out by its chosen agents. This expectation is best fulfilled in city-manager government.

Teaching Public Opinion to Goose Step

The governor finally signed the so-called Lusk sedition bills, passed by the New York legislature. Senator Davenport characterized them as an effort to goose step public opinion. To those cherishing American traditions of fair play and freedom of opinion, these laws will be nothing short of startling.

In brief, the measures provide that a license will be required of all private schools, except those maintained by religious or fraternal bodies, to be obtained from the board of regents of the University of New York. This license will be refused if, in the belief of the regents, courses are being taught in advocacy of the doctrine that organized government shall be overthrown by force, violence or unlawful means. Licenses can be revoked at any time by the board of regents, with review by *certiorari* in the supreme court of the state. This measure seems to be aimed primarily at the Rand School in New York.

Teachers in public schools are also required to obtain certificates, stating that the teacher "is loyal and obedient to the government of this state and of the United States." The commissioner of education issues the certificate and can revoke it. No review is provided for a disqualified teacher. "No certificate shall be issued to any person who, while a citizen of the United States, has advocated, either by word of mouth or in writing, a form of government other than the government of the United States or of this state, or who advocates or has advocated, either by word of mouth or in writing, a change in the form of government of the United States or of this state, by force, violence or unlawful means."

The strictures on public school teachers are poorly defined (which is not good law) and unduly severe. Does

advocating the direct primary for the nomination of candidates for governor of New York disqualify a teacher? It may if the commissioner of education desires so to rule. There is no review of his decision possible to the offending (?) teacher.

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House Plans for Small Incomes

After considerable discussion, the American Institute of Architects, at its 44th annual convention, held in Washington in May, accepted the report of the committee on small houses presented by Edwin H. Brown, chairman. The report developed the difficulties which have stood between good architectural service for small houses. It was recognized that strict economy to the last penny must be practiced, that the family of small income could not afford any specialties, and that an individual architect could seldom afford to give all the service required for a single small house at a rate which would recommend him to the prospective owner. And yet,

"The demand for small houses and the enormous number that are being built all the time make it absolutely impossible for one architect or for 100 or 1,000 architects, working individually or alone, to become a factor of the slightest importance in the big job of small housing."

To meet the need for small houses "of from two or three to six primary rooms, of one or two stories, with or without basement, for all sorts of soil and climatic conditions," the solution offered is "the Architects' Small House Service Bureau of the United States, Incorporated." "It provides complete architectural service for the home builder at a price he can afford to pay, and becomes valuable because it costs something. It also pays the architect a good return because of the time and labor he expends on the work and so becomes of lasting interest to him. It provides the local touch and knowledge necessary for the greatest economy in building. It is a perfectly simple solution of the business problem in connection with getting out ready-made plans by professionally trained men. It brings the small builder in direct communication with the architect, and by so doing will 'educate the public' by actually doing the work and showing the public that the profession is all that it knows it is, but has not yet been able to demonstrate."

This is what those who are promoting the service believe it to promise. It is planned to organize regional divisions and pool the ideas and technical ability of architects into a corporation service which will provide a large variety of well-planned houses, with differing exteriors, adapted to local conditions and modified to suit the site.

Such a service should do much to produce a large number of dignified, convenient cottages which should have their influence on the gradual retirement of over-ornate and ugly small houses which afford shelter in far too many cases for the family of small means. H. J.

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A Federal Budget at Last

After years of agitation and repeated postponement the United States is to have a budget system. The bill which became law last month is, with few exceptions, the same bill as that vetoed by President Wilson. The budget bureau is placed in the department of the treasury, but will be under the direct supervision of the president, who will appoint the director and assistant-director of the bureau. No reference is made to the secretary of the treasury, and it is

probable that the bureau will function precisely as if it were attached directly to the office of the president. The budget will, therefore, be an executive budget in the true sense of the term, and the American people have cause for self-congratulation.

It will be recalled that the bill vetoed by President Wilson made the new comptroller general appointive for an indefinite term and removable only by congress. The bill as passed makes his term fifteen years. He is not eligible to reappointment and can be removed for cause only by impeachment or by joint resolution. Since a joint resolution is initiated by congress and requires the signature of the president, the comptroller has the desired independent status as against either the legislature or executive taken individually.

In addition to the duties now performed by the comptroller of the treasury and the auditors of the treasury department, the comptroller general is authorized to investigate all "matters relating to the receipt, disbursement and application of public funds" and to make recommendations to congress "looking to greater economy or efficiency in public expenditures."

Here we have something entirely new in our federal government. An officer, independent of the executive, yet with an administrative staff and with free access to all executive departments and records, has been created to study the efficiency of governmental agencies and to report to congress. He is to be the agent of congress with power of surveillance over the administration. It is intended that he conduct a sort of continuous study of executive operations. If congress trusts him it may be willing to surrender to the administrative departments wider powers of discretion and initiation, which will be all to the good. Heretofore congress has exercised the supervision it believed necessary by detailed legislation governing administrative conduct, a clumsy method at best.

While it is not intended that the comptroller general shall keep cost accounts of executive departments, he is empowered to make operation studies and report his findings to congress. Here lies a possibility of immense usefulness. If the comptroller general is supported with adequate resources and if he is moved by proper zeal for the public welfare, he will be at once a guide to congress and a spur to the executive. But to expect that he will revolutionize administrative methods is vain. Given a president, a comptroller general and a congressional majority, all of one political party, we may be sure that party solidarity, not to mention the amenities of official life, will prevent disclosures of waste and inefficiency in any damaging quantities.

Admitting that what is wanted is more light from the public standpoint on executive practices, shall we have it through the new comptroller general? After all, won't the keenest and oft-times the most helpful criticism come from the organized minority in the opposition? If such is the case, why not give the opposition in congress better facilities for investigation and criticism of the work of the executive departments? A well-informed opposition would doubtless annoy the executive, but would not the country profit rather than suffer thereby? Partisan criticism so frequently fails of a real purpose to-day largely because it is necessarily based on imperfect knowledge from meager sources.

THE FIRST P. R. ELECTION IN NEW ENGLAND

BY CHRISTOPHER M. GALLUP
Member West Hartford Charter Commission

Proportional representation brought a lot of new blood into the town government. The party machine was disappointed, but the people are satisfied. :: :: :: :: :: :: ::

West Hartford, a residential suburb of Connecticut's capital city, used proportional representation based on the single transferable ballot, for the first election under its new council-manager charter. Seventy-seven per cent of the ballots cast were counted for the successful candidates, and only $3\frac{1}{2}$ per cent were thrown out as invalid. The results of the election vindicated every claim put forward by the local sponsors of P. R.

For some years back West Hartford had been a political experiment station for the old Nutmeg State, being the first town to adopt the budget system, a town plan commission to control real estate subdivisions, the unit system of realty appraisal, and a salaried substitute for the board of selectmen. The mushroom growth during the World War, however, precipitated a financial crisis, necessitated a big jump in the tax rate, and developed public opinion to sustain a general municipal reorganization. This was accomplished by the appointment of a charter commission in accordance with the provisions of the home rule law.

The commission spent several months studying the various methods for eliminating the party labels from municipal elections, and finally concluded that the single transferable ballot offered all the advantages of alternative systems, and, in addition, a better attainment of American ideals of representative government. The only drawback was the general unfamiliarity with the system. Instead of incorporating P. R. in the charter, therefore, the commission reserved the right to formulate the rules and regulations for the first election, delegating to the council similar control over subsequent elections. Dummy elections under the Hare system were conducted by the charter commission at their various hearings, but the voters generally took very little interest until sample ballots were mailed to all registered electors one week before the election.

The mistake was made of failing to have the rules for counting accompany the sample ballots, and there was more or less hue and cry that the charter commission had put something over. There is no local newspaper, and both Hartford dailies, being strong partisan and organization sheets, "knocked" the Hare system heartily. Secretary Hoag of the P. R. League came to school the election officials, and tried to get some explanatory matter printed, but in vain. The stage setting for the first P. R. election in New England was not any too favorable.

THIRTY-TWO CANDIDATES ENTERED: FIFTEEN ELECTED

Thirty-two candidates filed nominating petitions, there being fifteen councilmen to be elected. For the convenience of the voters, the town was divided into four districts, and the

councilmen apportioned according to the registration. In the first district, ten candidates contested five seats; in the second, three candidates one seat; in the third, eleven candidates four seats; and in the fourth, eight candidates five seats. The campaign was quiet, with no clean-cut issues outstanding, and was entirely free from anything savoring of "mud-slinging" or personal abuse of candidates.

Sixteen hundred and seventy-nine votes were polled on election day, practically 50 per cent of the registration. As stated above, only 3½ per cent of the ballots were thrown out as invalid, and 77 per cent were actually counted for the successful candidates. The polls closed at five o'clock, and the final results in every district were known by eight. Fifty men and women took part in the sorting and counting of the ballots, and the entire process was carried through in each district with precision and dispatch.

The representative character of the council can best be indicated by enumerating the occupations of the various members which are: dairymen (2), tobacco grower, insurance company officer, florist, salesman (traveling), plumber, factory superintendent, typewriter assembler, restaurant broker, insurance clerk, wholesale grocer, newspaperman, carpenter and lawyer.

Only four members of the council are men who have been active in town affairs under the old system. At the last presidential election Harding beat Cox by about three to one, yet the Republican organization landed only six of their men. Naturally the party hacks are still "knocking" P. R., but the people generally seem satisfied with their representation on the board now entrusted with all of the corporate powers of the municipality. The council still has about eight months in which to enact the ordinance governing the next election, and meanwhile will hold public hearings to ascertain the wishes of the voters with reference to continuing the use of P. R.

OHIO LEGISLATURE DENIES RELIEF TO INSOLVENT CITIES

BY WILLIAM M. THOMAS
Ohio Institute of Public Efficiency

The Smith law bends but does not break. Property classification was defeated so income tax was not pushed. :: :: :: :: ::

WHILE the Ohio legislators were packing their bags, prior to departure for their homes, after confessing their inability to arrive at a definite solution of the "tax tangle," there appeared a small news item in the Columbus papers:

LODGES HELP CITY

DELAWARE, May 18.—Delaware lodges have come to the financial aid of the city. Three secret societies have made loans to the city during the past week to tide it over till September.

Rather a singular procedure, perhaps without parallel; but Delaware is not the only Ohio community hard hit by the financial drought.

Even as big and wealthy as the city of Cincinnati is, her officials were compelled to appear before legislature

in January and plead permission to issue deficiency bonds for several millions, or "close shop during the last nine months of the year because of an empty treasury." This permission was secured through the enactment of a measure authorizing taxing authorities of municipal corporations to fund deficiencies, for the present year only, by bonded obligations payable from subsequent tax levies.

The financial plight of the city of Delaware, while not typical, is an outstanding example of the divers ways sought to cope with impending tax quandaries. Some communities have failed to meet bonded obligations; others have met these only to borrow to meet current debts.

FIFTY PER CENT OF REVENUE GOES TO MEET DEBT CHARGES

In 80 Ohio cities, 50 per cent of the average 1920 dollar is required for sinking fund purposes. In one instance, but 13.4 cents of every tax dollar was left for current purposes.

Although the state has no bonded indebtedness, the taxing districts have incurred obligations of this nature amounting to more than a half billion dollars. This debt is increasing rapidly. It gained more than fifty-three millions in the past year. The total tax duplicate for 1920 amounts to $10,672,279,582; a gain of $1,070,125,918 over last year. During this twelve-month period, the average tax rate in the 80 Ohio cities increased from $16.60 to $20.40 per $1,000.

NO CLASSIFICATION; NO INCOME TAX

Seventy years have elapsed since the fundamentals of the present Ohio tax laws, requiring a uniform property tax, were adopted. The state has grown from a sparsely settled country with a few cities to an inland empire with many important cities and a diversity of developed resources. Yet the tax system remains unchanged, except for recent legislative action, which submits a constitutional amendment to the people in November, authorizing the general assembly to enact a poll tax.

The legislature was too evenly divided between classification advocates and those who hold dear the tenets of the "uniform rule," to submit a classification proposal, either straight or modified, to the people. Likewise the enactment of an income tax, the authority for which legislature now has, failed because the advocates of classification do not desire such a tax so long as the uniform property tax is effective.

A NEW BOND LAW TO LIMIT DEBTS

However, the retiring assembly did one thing which scores of others regarded important but failed to accomplish. It enacted a debt limitation law—a measure drafted by the Ohio Institute for Public Efficiency as a result of a conference on taxation, which comprised representatives from many civic bodies of the state. This measure was indorsed by the conference as a means of curbing the rapid increase in public debt.

The new limitation law has five objectives through which control over debt incurring powers of the taxing districts is undertaken. These purposes:

1. To prevent borrowing for current expenses or deficiencies.
2. To restrict the maturity of loans so that bonds cannot be issued for a longer period than the probable life of the assets acquired.
3. To protect sinking funds.
4. To strengthen the limitations on maximum net indebtedness.

5. To establish the serial form of bonds.

Borrowing to meet current expenses is prevented through the repeal of statutes authorizing bond issues for repairs or current expenses and permitting the issuance of deficiency bonds.

Maximum maturity limits upon assets, as imposed by the act, will restrict taxing districts from paying for assets after the value or usefulness has ceased to exist.

Sinking funds are protected through amendments which prohibit the payment of judgments from sinking funds and require the county auditor to make a preferred levy annually for the retirement of bonds without further action of the taxing authorities.

The present limitations upon municipalities and townships of $2\frac{1}{2}$ per cent of the duplicate without vote of the electorate, and an additional $2\frac{1}{2}$ per cent with a vote, were maintained. A maximum limit of 6 per cent of the duplicate is imposed upon school districts. The only public utility bonds permitted outside the limitations are those for water works. This restriction was inserted through an amendment, for which the legislature was responsible.

The equal installment type of serial bonds is required for all bonds hereafter issued.

In order that taxing districts may function when the debt limitations become effective, the legislature enacted a companion measure that permits districts, by a 60 per cent approval of those voting on the question to suspend the general limitation law for a period of three years.

MEASURES TO PALLIATE SMITH LAW

Within this period, another legislature will be compelled to pass a new revenue-raising measure or extend the Smith law suspension period. The former course will probably be forced because some districts are certain to vote down the Smith law suspensions, the result of which will more deeply involve them in the quagmire of financial despond.

A state levy of three-eighths mill was authorized for a period of two years, the proceeds of which are to be distributed one-third to the three state universities and two-thirds to the benevolent institutions for the purpose of constructing new buildings and repairing old ones.

Levies for library purposes were exempted from all limitations. The methods of levying and distributing school taxes were altered, an annual levy of fifteen one-hundredths mill being imposed, the proceeds of which constitute an educational equalization fund and an additional two-and-sixty-five-one-hundredths mills to be retained by the taxing districts.

Cities, villages and counties were also authorized to levy taxes to acquire and maintain playgrounds, swimming pools, baths or indoor recreation centers.

The failure of the legislature to enact a new revenue-raising measure was disappointing to many. But the major accomplishment, pointed to by the assembly leaders, is the debt limitation act, upon which is based hope for attaining the essentials of a sound financial policy for Ohio taxing districts.

UNSCRAMBLING MICHIGAN'S GOVERNMENT

BY LENT D. UPSON

Director, Detroit Bureau of Governmental Research

Michigan is reforming by stages. The present reorganization is a makeshift of doubtful value. :: :: :: :: :: ::

It is reported that Michigan's state government has consisted of more than 116 distinct governmental units, which, with the use of ex officio boards, and the division and dissipation of authority over the similar services, has scattered responsibility and made effective action impossible.

For example, responsibility and authority for dealing with state financial problems have been distributed among every elected state official and board, except the lieutenant governor. Thirty authorities divided responsibility with the governor in administering state welfare work. Problems relating to trade and commerce were divided among thirteen authorities. Education and related questions were dealt with by five elected officials and boards, and twenty-seven other authorities.

In consequence, practically every elected official was a member of numerous ex officio boards, in the operations of which he could take no active part. The state superintendent of public instruction, primarily responsible for the supervision of the public schools of Michigan and a member of numerous educational boards, was also a member of the board of geological survey, the war preparedness board, the board of state auditors, the board of state canvassers, the office building board, the public domain commission, the board of fund commissioners, the board of escheats, the board of control of state swamp lands, the board of claims of public land sales, and the state board of agriculture.

Both the newly elected governor, Alex. J. Groesbeck, and the voters realized that Michigan's inexpensive government was not functioning well. The Michigan Community Council Commission, through the Institute for Public Service of New York, presented a 200-page report dealing with the idiosyncrasies of Michigan government, and made tentative recommendations of reorganization. In the recent session of the legislature, the governor secured a piecemeal program of his own providing for state reorganization.

THE STATE ADMINISTRATIVE BOARD

The governor's immediate program provides for a state administrative board to have general supervision of all state activities, and for five large departments, to assume the duties formerly performed by thirty-three ex officio boards or semi-independent officials.

The state administrative board is distinctly a makeshift pending the announced purpose of abolishing a number of elected officials and their appointment by the governor. In the meantime the activities of these officials, secretary of state, state treasurer, auditor general, attorney general, highway commissioner, and superintendent of public instruction, are correlated with the governor in a board, with large supervisory powers. The governor retains appointive power over subordinates and has certain veto power over the acts of the board.

The five departments created include a department of agriculture, under a single commissioner; a department of conservation with a seven-member board and a single commissioner; a department of labor, with three salaried commissioners; a department of public safety, with a single commissioner; and a state department of welfare, with one commissioner and a seventeen-member board.

These changes involve only a partial centralization of the state government. The numerous examining boards are retained, the educational activities of the state are administered as formerly, and a number of minor departments continue to be dealt with by future legislation.

NON-SALARIED BOARDS RETAINED

There is some skepticism as to whether the anomalous situation as between the non-salaried boards and salaried commissioners, as provided in the department of conservation and department of welfare, will operate successfully. The welfare board is divided into four groups, each in immediate charge of certain institutions. These groups or sub-departments are the hospital commission of seven members, dealing with seven state hospitals for the insane and epileptic; the prison commission of five members, controlling the three state prisons; the corrections commission of five members, supervising the three industrial schools for boys, girls, and women respectively; and the institutional commission, responsible for four public schools educating the handicapped.

In the past, these state institutions have each had their own board of trustees, and there have been periodic exposes of maladministration. This year, charges were made against the operation of Marquette Prison, Jackson Prison, Lansing School for Boys, Okemos Training School for Women, and the Adrian Industrial School for Girls, ranging from financial defalcations to cruelty to inmates. If a single cause could be assigned to these periodic criticisms, it would be that the boards of trustees living away from the institutions and engaged in their own affairs have not followed carefully the institutions' activities and management. How far can boards obviate this difficulty when instead of a single institution they are given from three to seven institutions to supervise? How far will a single commissioner be able to detect maladministration in the entire group of seventeen institutions? And in event such maladministration is detected by the commissioner of welfare, what authority to apply corrective measures will he have when immediate responsibility lies with a board also receiving their appointment from the governor?

Another tendency of such boards is to parcel out such institutions among individual members. It will be interesting to observe whether the seven members dealing with the seven state hospitals give attention to all hospital problems, or whether the member living near each hospital will be assigned responsibility for that institution.

From appearances and reports the present state reorganization of Michigan is a temporary expedient. Apparently the governor intends to push his program as rapidly as is consistent with public opinion; and after trial he may find it necessary to correct some obvious defects.

In its present development, the analyst of efforts to strengthen state government will find little material in the Michigan experiment.

THE ASSAULT ON THE ST. LOUIS MACHINE

BY LOUIS F. BUDENZ

St. Louis is no longer "unashamed." Valiant efforts have been made to throw off machine rule with little success as yet, but with promise for the future. Mayor Kiel was almost defeated. :: ::

Mayor Henry W. Kiel of St. Louis and his strong political machine have again been under fire—in the recent municipal election. Since the attempt to recall the mayor two years ago, because of his secret franchise deal with the United Railways Co., the way of the machine has not been as smooth as before. Public distrust of the city administration continued to show itself in the spring of 1920, in the defeat of thirteen of the eighteen items of the proposed municipal bond issue. Further warning was given the "ring" in the Republican primaries the following fall, when "Boss" John Schmoll, chairman of the city central committee and director of public welfare, lost the nomination for sheriff, to the surprise of himself and his opponents. And in the election immediately following, two of the three judges put forward by the Kiel-Schmoll group were beaten through the militant opposition of the local League of Women Voters.

PROMINENT REPUBLICANS DESERT THE MAYOR

Large doses of publicity also embarrassed the machine and weakened it. In a survey of the national political situation, just prior to the presidential primaries, a correspondent of the *New York Times* had directed attention to the St. Louis Republican organization as the best entrenched municipal machine in the country. Shortly thereafter, it burst forth on the front page of every newspaper in the nation, through the revelation of money payments to Nat Goldstein and Robert Moore, two of its most active members, for support of Col. Frank O. Lowden for President. Goldstein is clerk of the circuit court and uncrowned head of the "court house ring," which, amalgamated with the Kiel-Schmoll "city hall crowd," makes up the machine. These revelations about him, it will be recalled, brought forth denunciations from leaders of both large political parties and did much to bury the presidential aspirations of the Illinois governor.

The approach of the municipal primaries this spring was the signal for "reform forces," encouraged by this apparent advantage, to get busy in an effort to defeat the mayor himself. A short time after the recall effort, he had announced his candidacy for a third term. Ex-Governor David R. Francis, Democrat, former ambassador to Russia, and closely connected with the United Railways Co., had publicly declared him the proper man for the place. It was therefore generally conceded that his ambitions would be seconded by all the members of that financial and utility combine known as the "Big Cinch," which has dominated St. Louis for years—no matter what their politics might be. An independent Republican club was organized, however, to oppose the

mayor's candidacy, and Col. Robert Burkham, attorney for the school board and head of the local American Legion, was designated to run against him for the nomination. Four of the five newspapers of the city rallied to Colonel Burkham's support; the *Globe-Democrat*, which had stood with the mayor all through the recall campaign and before, now suddenly deserting him. The only paper which remained with him has a negligible circulation compared to any one of the other papers.

One of the chief sources of opposition to the mayor was the third term issue. Another was the question of machine domination. The fact that twenty of the twenty-eight members of the Republican city committee were on the municipal pay roll, either at the court house or the city hall, lent vivid color to the contentions on this point. The array of political underlings and near relations of political chiefs among the officeholders mutely attested to the breakdown of the carefully drawn efficiency rules of the new city charter. These rules had been violated by the mayor as early as his first term, particularly in the appointment of Henry L. ("Hank") Weeke, a powerful ward leader, to a municipal job contrary to the charter provisions. The Civic League at that time took the case to the courts; but before a decision could be reached, it was discovered that Weeke was an alien enemy and therefore ineligible for public office. Upon his applying for citizenship rights, the federal court refused his request on the ground that he was of immoral character, because of the evidence introduced showing his connection with the underworld. His son-in-law took his place on the Republican city committee, however, and he continues to exercise his influence on appointments, through his strong hold on the "automatic vote."

THE STREET RAILWAY DEAL

A third issue was the United Railways deal, which had provoked the "recall." Colonel Burkham declared Mayor Kiel to be "the best friend the United Railways ever had." The League of Women Voters, in a review of the mayor's administration, scathingly denounced him for the deal. "Of all the acts of Mayor Kiel's administration," their statement read, "the United Railways deal stands out as flagrantly contrary to the interests of the city, and certainly did not conform to his pre-election pledge. By the settlement the company got what it sought and the city received nothing in return. The circumstances under which the settlement was made seem to indicate not only that the mayor was unfaithful to the trust which the people had reposed in him, but that he betrayed them deliberately and knowingly." This issue proved a rather one-sided one, as the mayor maintained a studied silence in regard to it. In a long account of his "achievements," published as a campaign document, no mention of the street railway deal was made at all, and it was not alluded to by him or his supporters at any subsequent time.

With all these batteries trained upon him, the mayor was victorious over Colonel Burkham by more than 11,000 votes. Col. James W. Byrnes, a business man not well known in politics, was successful in the Democratic primaries.

To the surprise of St. Louis, the *Globe-Democrat* declared that it could not support Mr. Kiel for the mayoralty, even though it was a Republican paper, and that it would lend its aid to the campaign for Byrnes. This, again, made four newspapers lined up against the mayor and one small newspaper for him. Other defections from the

Republican ranks followed. A number of leading Republicans publicly announced their antagonism to the mayor, and many of them joined the nonpartisan committee which was formed to aid the Democratic nominee. Prominent among the former was Hon. Charles Nagel, former secretary of the interior under President Taft, who issued a statement on the eve of the election declaring that he did not consider himself bound by the results of the primary and that he would vote against Mayor Kiel. The effect of this revolt was seen in the election vote, which returned the mayor to his position in the city hall by a majority of 9,615—as compared to the 11,156 majority he had received over Burkham in the primary, and the 23,361 majority over his Democratic opponent, Connett, four years before. The old causes, that have been triumphant at St. Louis elections for years, again determined the final verdict, although by a much decreased margin.

CAUSES OF MACHINE'S ENDURANCE

These causes, touched upon in the NATIONAL MUNICIPAL REVIEW in a previous article, are easy to sum up: (1) The grip which the Republican machine has secured on the city hall through the provisions of the new charter, under which there is no chance for a minority to secure any single office in the city government, the aldermen being elected at large and the great mass of executive offices being appointed by the mayor. This gives the machine 7,000 city employes, voters and workers, to start off with. (2) The large German-American and Negro vote is still pretty solidly Republican, regardless of issues. The Germans, in the Civil War, saved St. Louis for the Union, and have been voting on that issue ever since. The politically stupid attacks made in the preceding Connett campaign, which charged Mayor Kiel with "un-Americanism" merely because of his Teutonic name, did not ease this situation. Byrnes was attacked from the platform during the campaign as unfit for office because of his Irish extraction. (3) The doubt in many minds that the Democratic city committee would improve the situation, but rather make it worse. Its hitherto hopelessly minority character has caused it to fall into the hands of elements which seek generally to be lesser partners of the opposing machine and dependents of the same financial-utility combine which dictates to the Republican organization. The fact that Colonel Byrnes had been sponsored by State Senator Mike Kinney, leader in the river wards, and that he was hazy on the transportation and bridge issues, made this doubt appear a certainty to many voters.

A bright spot in the election results for the "reform forces" was the success of four of their five candidates for the board of education. This was due to a rather amusing error by the code revision committee of the 1919 state legislature. Under the law for many years in force, the school board could be elected by petition on an independent ticket. But the law also permitted nominations by parties at primaries or conventions, which prevented the success of any independent ticket. In fact, the two parties, by agreement, divided the board between them, and nominated on both tickets the candidates thus agreed upon. This bipartisan control of the board was a connecting link between the two party machines. Through a mistake, the revision committee omitted the sentence providing for the party nominations, and an effort to have it replaced failed at the 1921 session, principally

through the vigilance of E. M. Grossman, former attorney for the board. In this year's election, therefore, the issues were squarely joined, without any confusion arising from party labels.

St. Louis has been trying hard to wipe out the name "unashamed," which it received when Philadelphia was called "corrupt and contented." When the issue has been clean-cut, as it was two years ago in the "recall," either the election machinery has been scrapped by the anti-civic forces, or indifference has won. The vicious circle of interest still unites many of the leading citizens (as it did in Ed Butler's day), through their financial and utility connections with the elements playing to the underworld and breaking down the efficiency system. The long and persistent efforts of that little group of independent men and women centered around John H. Gundlach, former president of the city council, and the advent of the League of Women Voters, are undoubtedly changing the situation. It is in them that the present hope for St. Louis lies.

FEUDS AND POLITICS IN PENNSYLVANIA

BY EDWARD T. PAXTON
Bureau of Municipal Research, Philadelphia

The Pennsylvania legislature changed speakers during the last days of the session as a stage in bitter factional fights within the dominant party. :: :: :: :: :: :: :: :: ::

THE 1921 session of the Pennsylvania legislature will be memorable for the deposing of a speaker, an unusual event, and the climax of a drama in which the principal actors are nationally of political note.

THE SIDES DRAWN UP

For years the principal "back-home" supporter of Senator Boies Penrose has been Joseph R. Grundy, president of the Pennsylvania Manufacturers' Association, whose association has furnished the principal sinews of war for the Republican state organization. The leaders of the Republican party in Pennsylvania are Governor William C. Sproul and State Senator William E. Crow, chairman of the Republican state committee. Between Senator Crow and Governor Sproul, on the one hand, and Mr. Grundy, on the other, has arisen bitter political antagonism. Prior to his illness, Senator Penrose was able to keep the factions at peace and in co-operation. With his serious illness, however, they got out of hand. The breach became irreparable at the Chicago convention, when the Grundy followers spoiled Governor Sproul's aspirations for the presidential nomination.

The 1921 legislature afforded the next test of strength between the factions. At the outset, the Sproul-Crow choice for speaker was upset by Penrose in favor of the former speaker, a Grundy adherent. Further than that, Penrose seems to have kept his hands off, while the Sproul-Crow forces and the Grundy forces set out to settle the leadership of the state organization. The immediate objective for Sproul

and Crow was the enactment of certain legislation. Beyond this was said to be Mr. Crow's ambition to succeed Philander C. Knox in the United States senate, and Mr. Sproul's desire for the toga which sooner or later will fall from the shoulders of Penrose. Mr. Grundy's objective was to block the Sproul-Crow program and ambitions so far as possible.

THE GOVERNOR'S PROGRAM BLOCKED

The governor's program included vast improvement in the public school system, liberal road-building, forest preservation, the calling of a constitutional convention, increased revenue measures, and the establishment of a state department of public welfare. For the benefit of the party there were state reapportionment bills and repealers of the non-partisan election laws enacted in the progressive session of 1913.

The proposed repeal of the non-partisan city election laws for Pittsburgh and Scranton aroused a storm of ire in Pittsburgh. Under the non-partisan system, the machine leader in Pittsburgh has been crowded persistently to the wall by an opposing faction led by a newspaper publisher, George S. Oliver. Oliver formed a working agreement with Grundy, the administration's other foe. Grundy contributed Speaker Robert S. Spangler, under whose capable and energetic gavel the house has done business more smoothly and expeditiously than in many former years. He contributed a tireless filibusterer, a clever minority floor leader, and the chairman of the rules committee, an unusually able parliamentarian. Oliver contributed two other important committee chairmen. Though the voting strength of the combined Oliver-Grundy forces never exceeded 80 out of the 206 votes of the house, these six men and their lieutenants were able to tie up the administration program so tightly that a political upheaval was required to break the jam.

THE RUMP LEGISLATURE

The house had bound itself by two actions: a resolution to adjourn by April 28; and a report of the rules committee, adopted before its full purport was realized, requiring a majority of the house to discharge a committee from consideration of a bill. The administration awoke to the realization that its non-partisan repealer was in the hands of the Oliver-controlled municipal corporations committee, its public welfare bill in the public health committee, and the reapportionment bills in equally hostile hands or else, unreferred, in the speaker's pocket.

On the Monday night preceding adjournment, the administration forces came to Harrisburg determined to control the situation. The Oliver-Grundy forces filibustered, the speaker refusing to recognize any member of the administration group. The plan evidently was to prevent bringing out the bills until the next day, after which there would not be time enough to pass them without extending the session. The filibuster continued until ten minutes past midnight. Then the chairman of the rules committee, invoking a rule which had never before been invoked nor followed, pointed out that at ten o'clock on Monday night the order of the day is to adjourn until morning, and called for the order of the day.

The speaker declared the house adjourned and left the rostrum. The members of his faction started to follow. The dense throng of visitors began to file out. In the midst of the

confusion, the administration floor leader got the attention of his followers, directed them to stay in their seats, and called upon the chief clerk to preside, order the doors closed, and ascertain the presence of a quorum. A quorum was present, and the original Sproul-Crow choice for speaker, Samuel A. Whitaker, was immediately nominated, elected, and sent to the rostrum as speaker pro tempore. Under his guidance, with the doors still closed and a score or more of unfortunate representatives, senators and newspaper men trying to get in, a series of lightning-like moves by administration leaders suspended the rule governing discharge of committees, brought out the non-partisan repealer, the welfare department bill and the reapportionment measures, and passed each through first reading. The house then adjourned at a quarter past one, and after a ten-minute recess began the legislative session of Tuesday. One member, a clergyman, acted as chaplain. The disputed administration measures passed second reading, and the house recessed until ten o'clock, an hour earlier than the time Speaker Spangler had set when he left the rostrum.

When the house reconvened, the speakership was declared vacant. Whitaker, the speaker pro tempore, was elected permanently, and the house proceeded with business. The final test came at eleven o'clock, when Spangler, accompanied by his personal aide and the official chaplain, came in to open the session of the day. His way to the speaker's desk was barred by half a dozen sergeants-at-arms. Unable to force past, he called upon his newly elected successor to surrender the chair; and, on being informed that he was no longer speaker, he took the floor in front of the rostrum and made an impassioned defense of his conduct of the chair. His personal popularity, his ability, and the feeling of his colleagues that he had been forced too far by his political associates, made the close of his speech a tense moment. Then came the soothing voice of Speaker Whitaker, "The remarks of the gentleman from York, Mr. Spangler, will be spread upon the minutes and printed in the journal of the house. The next bill on the calendar is . . ."

There was no further difficulty in passing any administration measure; nor was there any evidence of the wrath of Senator Penrose which was liberally forecasted by Grundy followers. The train of events would lend credence to the belief that the Pennsylvania leader determined to let the rival factions fight out their differences, and give his favor to the winner.

PHILADELPHIA CHARTER IN DANGER

Among the measures that came out of the municipal corporations committee when the cork was drawn was a freak measure that may be taken as the dying gasp of contract street cleaning in Philadelphia. It was an amendment to the city charter, which would have made it compulsory to advertise each year for bids for street repairing, street cleaning and refuse disposal. The city already has the power to advertise for such bids, and compulsion is unwelcome, because Philadelphia considers the question of municipal versus contract street cleaning permanently settled. Street cleaning by municipal forces, now confined to the central section, will be extended over the whole city during the coming year. The bill was withdrawn by its sponsor, after an outburst of popular indignation.

THE L'ENFANT PLAN AND THE BOTANIC GARDEN

BY HARLEAN JAMES
Secretary, American Civic Association

A new Botanic Garden extending over hundreds of acres, with opportunity for rich varieties of vegetation and scientific experiment, instead of the present small plot obstructing the development of the L'Enfant plan. :: :: :: :: :: :: :: ::

I

In every department of public affairs there comes, sooner or later, the clash between the interests of the many and the advantage of the few, the conflict between the vision of future greatness and the blindness of temporary expediency. The proposed removal of the Botanic Garden to the Mount Hamilton site and the development of the mall around the new Grant Memorial in accordance with the plan of 1901 now brings a clear-cut issue with the attempt to enlarge the Botanic Garden in its present site.

The Botanic Garden lies across the street from the Capitol on the south side of Pennsylvania Avenue and overlaps the plan to develop the mall from the Capitol to the Lincoln Memorial, a plan which conforms to the L'Enfant plan as adapted by the plan of 1901. In selecting the sites for the Grant and Lincoln Memorials congress has respected the design for the mall. The Botanic Garden, which covers some twelve acres including the sites of the Grant and Meade Memorials and the Bartholdi fountain, is enclosed by a low brick wall surmounted by a high iron fence. The massive Grant Memorial, which is now nearing completion, stands just inside the fence directly across from the Capitol grounds.

In the sundry civil bill for 1921–22 an appropriation of $5,000 was made by congress for the unveiling and dedication of the memorial to General Grant, and "for removal of so much of the iron part of the brick and iron fence on the east side of the Botanic Garden as in the opinion of the superintendent of the garden may be necessary to improve the surroundings of said memorial." It is perfectly clear that the Grant Memorial already placed in relation to the parked approach from the mall and the Meade Memorial which will be erected in the northwest corner of the garden are the beginnings of the development of the mall in accordance with the plans of the Fine Arts Commission. This development and the Botanic Garden cannot occupy at one and the same time the same space. There is only one answer. The Botanic Garden must go.

This does not mean that the Botanic Garden should be abolished. Far from it. At the request of the committee on the library of the house of representatives, a plan has been prepared by the Fine Arts Commission which would give Washington a national Botanic Garden extending over hundreds of acres and affording opportunity for scientific experiment and landscape development comparable with the most famous botanic gardens in other countries. For this national

Botanic Garden the commission has recommended a site bordering the Anacostia River which, according to the experts of the agricultural department, would meet the requirements for such a garden. The suggestion is further made that the flower beds and greenhouses in present gardens be removed to some site convenient to the Capital, where they may serve their present purpose and not interfere with the development of the L'Enfant plan.

II

The proposed removal of the Botanic Garden to a suitable site and the development of the mall recalls the origin and purpose of the Fine Arts Commission, which was created by congress in 1910 to carry out the plan of 1901 and to insure artistic merit and architectural unity in governmental art. The plan of 1901, drawn up by the senate commission, composed of Daniel Burnham, Charles McKim, Augustus St. Gaudens and Frederick Law Olmsted, was a restatement and enlargement of the L'Enfant plan of 1792, to which Washington owes its distinction, but which had been forgotten and ignored for many years. It was more than fitting that on the one hundredth anniversary of the removal of the seat of government to the District of Columbia the vision of Washington and Jefferson should be recognized and their plan revived and vivified.

The present Commission of Fine Arts is composed of Charles Moore, John Russell Pope, James L. Greenleaf, James E. Fraser, Henry Bacon, Louis Ayres, H. Siddons Macobrey, with Colonel C. O. Sherrill as secretary and executive officer. The Commission surveying the whole field has been enabled to select a site appropriate for the Botanic Garden and one which will supplement and harmonize with other developments. For some years the War Department, acting through the Anacostia Reclamation Board, has been reclaiming the Anacostia flats. The commission proposes that the Botanic Garden be located on 433 acres included in the Anacostia reclamation project, and 367 acres to be purchased at a cost less than the saving in dredging which would otherwise be undertaken by the reclamation board. The board has endorsed the plan of the Fine Arts Commission, and Senator Brandegee has re-introduced into the 67th congress a bill (Senate 4485) to authorize the extension of the taking line of the Anacostia project as defined in the act of 1914, amended in 1917, to include the 367 acres designated by the Fine Arts Commission.

The combined site contains thirty-two varieties of soil and includes elevations which vary from sea level to 239 feet. Many plants and trees are already growing on Mount Hamilton and vicinity. In the present enclosed gardens the variation in soil and altitude is so slight and the area so restricted that a true botanic garden could never be developed even if the land were not already dedicated to the truly imposing approach to the Capitol planned by the Fine Arts Commission.

The Mount Hamilton Botanic Gardens would be reached by a two-mile drive on Maryland Avenue, a wide, parked thoroughfare which is completed about two-thirds of the distance. The gardens would lie along the main highway from Baltimore to Washington; the Pennsylvania Railroad would cross the north end, and the Baltimore and Annapolis electric line would traverse the south end. Thus the electric, rail and motor approach to the Capitol from the northeast would be relieved from the ragged and unkempt appearance which the straggling outskirts now

present to the traveler. The river would make possible water gardens of rare beauty. On the lowlands eighty acres in wild rice would afford a bird sanctury. The waters of the river would be diverted into lakes and moats. The wonderful Shaw lily-pond would be preserved and made to rival those of the tropics. Wooded hilltops, sunny slopes and shaded nooks would provide for shrubs and trees of many varieties.

The Brandegee bill has been referred to the committee on library, of which Senator Brandegee is chairman. The other members of the committee are Senators Wadsworth of New York, Knox of Pennsylvania, McCumber of North Dakota, Williams of Mississippi, McKellar of Tennessee and Broussard of Louisiana.

III

Seeking to compromise in a case where compromise means fatal delay, Representative Langley has introduced a bill into the house (H. R. 2166) which would enlarge and entrench the present Botanic Garden, by adding two parcels of land known as East and West Seaton Park. It is true that the bill would prohibit the erection of "conservatories and other improvements of a permanent character . . . to areas not intended as sites for future public buildings and driveways in the plan for that vicinity prepared by the Park Commission." It is obvious that no more buildings of any sort, permanent or temporary, should be erected on any of the land included in the mall, except in strict accordance with the entire landscape plan of the Fine Arts Commission. Nothing could be more short-sighted than to enlarge the present Botanic Garden. The Langley bill was referred to the committee on library, composed of Representatives Norman J. Gould of New York, Fess of Ohio, Luce of Massachusetts, Park of Georgia and Gilbert of Kentucky.

The people of the country have faith in the vision and ability of the Commission of Fine Arts, and, when they know of the conflict between the vision of the commission and the vested interests in things as they are, they will lose no time in letting the senate and house committees on library know their views. Every city planner, every landscape architect, every architect, every civic leader may perform a public service by communicating with the congressional committees urging an early favorable report on the Brandegee bill, which is the first step to secure for Washington worthy botanic gardens and the proper development of the mall approach to the Capitol planned so many years ago.

CONCERNING COMMISSION GOVERNMENT IN DES MOINES

BY "THE REFEREE"

From The Des Moines News

We print these interesting observations on commission government "as is" in Des Moines. She is having trouble getting commissioners who are expert administrators and good representatives at one and the same time. :: :: :: :: :: :: :: :: ::

THE commission plan of city government, which we have here in Des Moines, and which is in operation in several other Iowa cities, has many virtues.

* * *

Like most other forms of government, however, it also has some defects.

* * *

Chief among these short-comings appears to be the election provided.

* * *

Under the commission plan, commissioners are elected to preside over the various divisions of the city government. These commissioners also comprise the city council.

* * *

In Des Moines, for example, we elect a mayor and four other men to serve as commissioners and members of the city council.

* * *

The mayor is ex officio commissioner of the department of public affairs. His four co-workers are chosen to superintend respectively the department of accounts and finances, the department of public safety, the department of streets and public improvements and the department of parks and public property.

* * *

The commission plan provides for wo elections biennally, one a primary and, then, two weeks later, the election proper.

* * *

As many men can run for mayor and commissioner in the primary as feel the urge for public office.

* * *

The two men receiving the highest vote for mayor and the eight men securing the largest vote for commissioner then fight it out for supremacy at the regular election.

* * *

The system as outlined has two grave defects.

* * *

The primary and election proper are non-partisan. This permits what is known as "plunking."

* * *

This is done by voting for only one man for commissioner, instead of four as is the prerogative of the voter.

* * *

In other words supporters of a certain candidate, fearing his defeat, can vote for him and him alone, thus wasting the other three votes which, by law, is theirs.

* * *

The result is, the toal vote of their candidate is boosted and the vote of his opponents is held down.

* * *

For example, in the last election in Des Moines, it is reported that

many men "plunked" for John Budd, commissioner of streets.

* * *

By voting only for Budd and withholding their votes from other candidates, these voters were able to enhance Budd's vote and hold down the vote of his opponents.

* * *

Another great defect in the present election system is that the four chief divisions of the city government are not parceled out among the elected commissioners until after their election.

* * *

In other words, during the campaign you do not know whether John Jones is going to be commissioner of finance or commissioner of public safety, if he should happen to be elected.

* * *

While you might vote for Jones if he was a candidate for the finance job, you might not vote for him if he was after the safety berth.

* * *

Under the present plan you have no way of knowing where he will be placed after the election. He may be relegated, through politics, to a post entirely unfitted to his talents.

* * *

After every election there is always an unusual amount of speculation as to how the various departments are going to be apportioned.

* * *

In deciding this, politics plays a far greater part than it should. When a particularly ambitious party "horns" into the city council, there is likely to be an alliance of the old member to shelve him so that he is unable to give the people the value of his experience and training.

* * *

How this works is best illustrated by a political deal pulled here some six years ago.

Harry Frase, present commisssioner of parks, was a candidate for the council and was elected. Tom Fairweather, former mayor, was elected along with Frase.

* * *

The latter's experience had to do entirely with financial matters as a result of his experience as auditor of Polk-Co. for several years.

* * *

Frase wanted to be commissioner of finance. Most of those who voted for him expected him to get that post because of his fitness for it.

* * *

But Fairweather wanted the finance job, also. Fairweather didn't have the experience or ability for the job that Frase possessed, but he knew the politics of the situation.

* * *

He lined up the votes of his colleagues and, through trades, it is said, was able to pull down the finance department while Frase was shoved into the department of parks, for which he had no training or special liking at that time.

* * *

These are defects in our present system which should be speedily removed.

* * *

Realizing this, A. O. Hauge, one of the representatives from Polk-Co. in the Iowa legislature, has introduced a bill in the general assembly, which is designed to eliminate both faults.

* * *

Hauge's bill will force candidates for commissioner to file a statement with the city clerk as to the particular department in the city government, to which he aspires, whether it be finance, safety, parks or streets.

He will then compete in the primary against candidates running for similar office, instead of battling the entire field of commissioner candidates as is now the case.

* * *

Instead of voting blindly for various candidates, without knowing what jobs they are going to fill, he will have some idea as to the fitness of the men for the offices which they seek.

For example, a candidate for safety commissioner will have to show just what qualifications he has for that job and how the people will benefit by electing him to it.

* * *

At present all candidates talk in general terms, offer no specific treatment for specific ailments and depend upon politics and oratory to put them over.

ENFORCING THE CITY PLAN

BY FRANK B. WILLIAMS

How to protect the city plan without restrictions on private property which the courts deem unreasonable. :: :: :: :: ::

A most serious defect in the city-planning law of this country is the lack of any method of making the principal features of the plan binding upon the land included within it. One of the main purposes of a city plan is to correlate the public works undertaken by the city from time to time, so that, without duplication or waste, each of them may form part of a scheme adapted to the fulfillment of the needs of the next twenty-five or fifty years. Useful as a plan without binding force often is, it inevitably fails of fulfillment in many important particulars unless the observance of it is made obligatory. In so far as the city itself is concerned, there is no legal difficulty in framing a law which shall have this effect, and in a few of our states cities are authorized to adopt a plan which shall govern all future construction by the city until amended in due form; more than a majority vote of the council and a previous reference to the city-planning committee or a similar authority for investigation and report being sometimes required for such amendments.

ENCROACHMENTS ON THE PLAN

Admirable as is a provision making the city itself conform to the plan, it will not ensure the construction of the public works as planned unless the city has, or can obtain at a reasonable price, the land which these works require. The current financial demands of the modern city are so great that it can seldom purchase land in advance of present needs. Unless, therefore, some method is devised of preventing the owners of the land planned from making improvements within the lines of planned public works, the expense of acquiring the land, when the city is ready to undertake the work, will, in many cases, be prohibitive, and important features of the plan will, inevitably, be abandoned. This the history of city planning in this country only too clearly proves.

In other countries where city planning is practiced with success, the plan of streets[1] is protected from the en-

[1] And in some cases, a few other features. There are modifications of the foreign laws whose

croachments of the land owner, without expense to the city, under a power analogous to our police power, by providing that if at any time after the adoption of the plan the land owner places improvements in the bed of mapped streets, he shall receive no compensation for these improvements when his land is taken for the street. This system has been in operation for many years, not only in Roman Law countries, but in England and Canada, whose laws and traditions are so like our own; and has not been found to be unjust to the land owner. The street is essential to the land owner in the profitable use of his land. The only right of which the plan deprives him is the right to build in the bed of mapped streets between the time when the plan is adopted and the time when it is carried out. In the vast majority of cases this right is worthless both because if the plan is a good one it indicates where the street and the building should be for the best interests of the land owner and because if the plan is carried out seasonably the street will be built before there is an economic demand for the building.

HOW THE COURTS LOOK AT IT

The need of protecting planned streets from the encroachments of land owners has always been appreciated in this country, and, at various times many of our states have passed laws for that purpose. Everywhere in the United States, however, except in Pennsylvania, these laws have been held to be a taking from the land owner of a right of use in his land and, therefore, to be contrary to the provision of our constitutions that no man shall be deprived of property for a public use without just compensation. The increased interest in city planning within recent years in this country has revived and strengthened the demand for some method of establishing the street plan on a secure basis, as is done abroad; and many suggestions have been made for the accomplishment of this result in a constitutional manner. It has been suggested that the city, when the plan is adopted, purchase or condemn an easement or option in the land, to acquire it, when needed, at its unimproved value; but the expense of the purchase of this right, with the proceedings to acquire it, added to the expense of taking the land, later on, would unquestionably make the land cost the city too much. It has been suggested that the land owner, intending to improve land in the bed of mapped streets, should be required to give the city six months' notice, within which to acquire the land; but this instead of protecting the city would furnish the land owner altogether too easy a method of forcing the city to buy his land at his pleasure, instead of at the pleasure of the city. It has been suggested that an amendment to our state constitutions be urged giving cities the right to adopt plans binding land owners, as in Pennsylvania. At best, such amendments could be passed only after a long struggle; and it is to be feared that they would be held by the Supreme Court of the United States (which has not as yet passed on the question) to be contrary to the federal constitution. It is true that with proper city planning a good plan will be made for undeveloped territory and will be carried out seasonably; but in this country the probability of good

purpose it is to avoid hardship to land owners in special cases; but since in the opinion of the writer they do not offer a solution of similar problems in this country, they have been omitted from the statement of the foreign rule. It should be noted, however, that even abroad, mitigations of the law have been found to be necessary.

administration is not regarded as a sufficient safeguard against injustice in exceptional cases, as it is abroad. And there are many cases, especially in portions of the city already more or less built up, where injustice might be done. Take the case of a lot, all or an undue portion of which lies in the bed of a future street. The owner has nothing to gain by the street; and if, as often happens, its construction is delayed beyond the time when the lot might with profit be built up, the owner for many years must pay taxes on the lot, but cannot get any return on it. Again, suppose a deep lot on an existing street with a factory on the front portion of the lot and a proposed street planned to occupy its rear portion. The entire lot would hold with advantage perhaps two additional factory buildings. If the owner wishes to construct one such building, he can put it in the middle of the lot, and there is no loss to him in depriving him of the use of the bed of the mapped street; but if, in course of time, he needs a third building, the only land for it is the land to be used for the future street; and it is unjust to deprive him of the only use he can make of that land for many years. It is no answer to his claim of damage that when the rear street is built his land will be benefited, for under proper laws he must pay for that benefit when it comes. And the city may change its mind and never build the street; in spite of the fact that for years it has kept it on the map.

A NEW METHOD OF PROTECTING THE PLAN

A method of making a city plan of streets and perhaps a few other features binding upon property owners which, it is submitted, would be just to them and valid under our constitutions, was proposed by the writer at the last session of the National Conference on City Planning. In the discussion which followed, Edward M. Bassett, Esq., suggested the addition of a board of appeals, and the proposal is here given, with this most important change, in the hope that it may lead to a solution of this difficult problem.

It is suggested that municipalities shall be authorized by state law to adopt plans binding upon them until amended in due form. If a land owner desires to locate an improvement in the bed of a mapped street or within mapped building lines (or perhaps on land destined, by the plan, for a small park or playground, or the site of a public building) he shall apply, in the building permit, for permission to locate an improvement contrary to the provisions of the city plan; and when, ultimately, the land is condemned he shall recover no damages for the improvement if it is so located without permission. The city, through its building department or other proper authority, shall grant this permission only when its refusal will unavoidably do the land owner substantial economic injury and in this connection shall take into consideration the possible uses of other land in the neighborhood belonging to the same owner and the possibility, in whole or in part, of changing the improvement or its location.

From the decision of the building department refusing permission to locate contrary to the city plan, there shall be an appeal to a board of appeals, who shall have the power to grant the permission with conditions calculated to lessen or altogether to avoid the expense to the city due to improvements when, later, the city condemns the land; no appeal to the courts being allowed until after resort to the board of appeals. This provision would both mitigate most if not

all the hardship which the law might otherwise cause the land owner in special cases and make the law less vulnerable before the courts. In both these respects a board of appeals would in this connection render a service analogous to that which it has so admirably performed under zoning laws.

Illustrations of the service which a board of appeals could render in the administration of this provision of the planning law are numerous and varied; and of these illustrations I will cite three.

If a land owner desires to erect a brick structure in the bed of a mapped street, the board of appeals could offer to authorize a wooden building, pointing out that such a building could be amortized in a given number of years, with a fair return to the land owner on the value of his land. No court would hold that (in the absence of other complications) the land owner was rightly aggrieved to whom such an offer was made, even if he could obtain a larger amount by violating the city plan, contrary to the general interest; for if the return is a fair one he is not unjustly deprived of his property.

If a building were proposed a part of which only would project into the future street, the board of appeals could offer to consent to a building of which the projecting portion was only one story high; backing up the proposal by plans showing the suitability and yield of such a building in such a location.

If the city intended to build the street within, perhaps, five years, the board could be authorized, with the consent of some proper city authority, to agree with the land owner that the city would build it within that time. This agreement would usually make it certain that the location of the building with relation to the future street, so soon to be built, was the most profitable one, especially if the building was to be an expensive one.

A provision making a few of the essential features of the city plan binding upon the land planned is essential to the success of city planning in this country. The provision here suggested would seem to accomplish everything which is secured by the provisions for the same purpose of foreign laws, by methods already familiar in this country, and therefore more likely to win the approval not only of city planners, but of our courts.

THE BUILDING GUILDS OF ENGLAND

BY CHARLES HARRIS WHITAKER

Editor, Journal of American Institute of Architects

BEHIND the building guilds of England there lies a background that reaches far back into history,—to the time of Asoka, for example (300 B. C.), when the sacred guilds of India were not only the revered guardians of the traditions of craftsmanship, but when their members were the chosen interpreters, through the symbolism of architecture, of the religion of the people. Of more modern days, and better known generally, were the medieval guilds, where craftsmanship and the honor of a vocation were honored above gain. The rise and decline of the medieval guilds might very profitably be studied in these days, for there is much in the present

situation that resembles their history. Especially might they be studied by those ardent advocates of art, who in their ardor seem to have forgotten the relationship of free workmen to the exercise of the creative impulse.

In England, for some years, the National Guilds League has been building a new concept of vocational or functional organization, as opposed to the present system of organization by crafts or trades. Its premises are based upon the eventual actual organization of all industry on guild lines. Those who work in any industry, whether with hand or brain, are to direct and control that industry. The whole guild system is further predicated upon a new theory of economics and a new political concept of the state. Those who are curious in the matter may find ample literature on the subject.[1]

THE BUILDING TRADES PARLIAMENT

Just before the war, the building industry in England was on the verge of a bitter struggle. Its long history of lockout and strike, of contention and quarrel, was about to culminate in a national grapple between the two forces. With the outbreak of the war, a truce was declared, and it was then that the more far-seeing men in the industry began to cast about for a basis on which the industry might be efficiently revived after the war. This led to the formation of the Building Trades Parliament, composed of an equal number of delegates from the employers' and the employes' organizations. As both sides are highly organized in England, the parliament is a very representative body. In 1916, it appointed a committee, among others, on scientific management and reduction of costs, charging it with the tasks suggested in its title. In August, 1919, the committee handed in its report, which has remained as one of the most striking contributions to the studies of industry that have resulted from our post-war difficulties.

The striking character of the report was greatly emphasized by the fact that the committee whence it emanated was composed of eight employers and eight employes. These sixteen men sat down together not primarily to see what could be done to meet an emergency, for the war had still kept government control intact, but to find out what was the matter. They began sensibly. Generally the prescription precedes the analysis instead of following the diagnosis. The report they presented was therefore not a partial pronouncement, or a piece of special pleading.

In substance the committee found that "unemployment" was the curse of the building industry, but in its conclusions for dealing with this primary difficulty, it found itself obliged to recommend that the building industry of England be transformed into a public service. It suggested the method by which this could be accomplished, and laid down certain principles for dealing with both employer and employe. But the essentials of the report correspond very closely with the guilds concept, and no doubt the report helped a good deal in the final emergence of the building guilds. The first one was incorporated in Manchester, some months after the report mentioned. It was promoted by the bricklayers of that city, and the

[1] Guild Socialism, by G. D. H. Cole. F. A. Stokes Co., N. Y. Proposed Roads to Freedom, by Bertrand Russell. F. A. Stokes Co., N. Y. Guild Principles in War and Peace, by S. G. Hobson. Old Worlds for New, by A. J. Penty. The Meaning of National Guilds, by Reckit and Bechoffer. Guilds and the Social Crisis, by A. J. Penty. See also the *Journal of the American Institute of Architects, 1919–1921.*

secretary chosen was Mr. S. G. Hobson, one of the recognized leaders in the guilds movement. So swiftly did the idea spread, that the Manchester Guild found no difficulty in enlisting the active co-operation of all the trades represented in building, and it then made a bid to the corporation of Manchester for the erection of some 200 houses.

THE GOVERNMENT NOT SYMPATHETIC

It has been but natural that the building guilds movement so far has centered about the erection of houses. Likewise it is also true that the demand for houses and the complete failure of the old contract system, largely speculative as it is, to produce houses, helped the guildsmen in winning interest and popular approval for their venture. But as all house building is now practically under government control in England, the guilds were obliged to have their contracts approved by the Ministry of Health, the department having jurisdiction. There they encountered a long and trying delay. The guild's proposals were novel, and they were distinctly upsetting to men who believed that the only way to build was under the old contract method. The guilds' bids were based in the first place upon the union rate of wages and continuous pay to all workers. In the second place, there were to be no profits. A certain percentage was to be paid on the cost of the work, out of which to pay for plant required, and unemployment. The government, after delaying the acceptance of the guilds' bids for many months,—bids involving some millions of pounds and approved by the municipal authorities involved,—finally agreed to sanction twenty contracts. But the pressure of the old employers' group, inserted almost from the start, was continually increasing, and it was only by dint of the hardest kind of work that the twenty contracts were finally passed by the Ministry of Health. As the work progressed, resistance increased. It was plain that the guilds were going to show a record for building costs such as would confirm their theories. And this proved quite true. The figures for building the first houses, under the guilds, at Bentley, in Yorkshire, show that they have been able to build a house for £200 less than similar houses built under the old contract system at the same place. Probably a hundred contracts would be signed now, with the guilds, by municipalities all over England, were it not for the embargo that the Ministry of Health has laid upon this method. Those who wish to see the guilds have a fair trial,—and it seems incredible that any sensible person could wish for less,—find the action of the Ministry of Health to be not only stupid, but sinister, since it offers abundant proof, as the guildsmen contend, that the whole opposition of the ministry is based upon the "pull" exerted politically by the building employers' organizations.

THE GUILDS AT WORK

At the same time, the guilds are working out their twenty contracts. There seems every reason to believe that the completion of others, following upon that of Bentley (where the figures are certified by the authorities), will indicate that the guilds can build not only as well, or better, than under the old contract system, but also cheaper. If this is true, what ought to be the answer?

The failure of the employing group to understand the human concept of the guildsmen is plainly evidenced in their method of argument. They upbraid the bricklayers, for example, who lay about twice as many bricks per day

on guild work as on contract work. But the answer is that under the guilds system the bricklayer is not interested in sabotage, the obstructive method universally employed in all industry to-day as a means of holding up prices. The guildsman is literally "on his own"; he is not working for a contractor's profit; he has a voice in the government of his industry; he is not chafing and worrying over the specter of unemployment, for the guild pays him on rainy days when he cannot work. It is part of the guild concept that each industry should provide for any unemployment, and that no industry should be able to throw its workers, when not needed, back on the community. In other words, the old theory of a reservoir of unemployment, to be emptied and filled at the will of the employer, is contrary to the guildsman's concept of industry. Ought it not to be contrary to the theory of any system of conducting industry, when one stops to think of it?

THE GUILD IDEA

Taking the affirmative, one naturally finds oneself confronted with a variety of problems. Their very complexity seems to render them almost baffling, for they invite attention to a whole new theory of industrial organization, —the one based primarily upon the theory that there is work enough for all and that industry ought to be organized for that purpose, and not, as at present, around the competitive price system. A guildsman would point out what is becoming very plain to impartial observers, that industry to-day is of necessity controlled not by the technical factors involved,—not by the theory of producing the greatest possible quantity of any given product in order that all may have enough,—but by the financial demands which are predicated upon profit, and which insist that we shall not have abundance and low prices, but that we must have scarcity in order to have high prices. Farmers burning their cotton, or their wheat, factories shutting down to "improve the tone of the market," raw materials pooled in order to hold them out of the market until the price can be raised, food products warehoused and stored for the one purpose of raising prices, trades union leaders holding up work as a means of extorting bribes, workmen reducing their output as a means of keeping themselves in work, lenders of money demanding bonuses for housing loans,—all of these practices commonly known and universally sanctioned are in reality nothing but systematic obstructions introduced into the stream of production flow in order to dam it up for the purpose of raising prices. Never, and that must be thoroughly understood, for the purpose of increasing the production flow, although there is not a moment when the whole flow of production could not be absorbed by a happy people if it were not for the financial factors which stand as a barrier to its distribution and consumption. Hence, what is commonly called "overproduction" is in reality nothing more than "underconsumption."

The guildsmen of England see industry as something of vital concern, into the functioning of which financial factors ought not to be allowed to intrude and obstruct the flow. Their theory of "not working for a profit" has caused a good deal of discussion. Naturally it is bound to. But an acceptance of that theory, after it is well understood, is basic if one is to follow the whole theory of guilds organization. But "no profit" does not mean "no pay," nor does it mean one level of pay for all work. It means a fair pay for the work performed,

whether of hand or of brain, and it means a system of self-governing industry in which all who participate shall have a voice in fixing remuneration, the terms of apprenticeship, conditions of work, and above all, and perhaps beyond all, the quality of work done. (Naturally this broad control involves the rights of the consumer and his protection against unfair wages, but that is provided for in the guilds program.)

The guilds do not revolve about material factors alone. Predicated as they are upon theories quite contrary to those that now govern and control the operation of industry, does not mean that the guilds are purely a material affair. To restore the creative impulse to industry is quite as much their purpose as to effect production and distribution such as will insure abundance instead of scarcity. This is certainly one of the reasons why the building guilds have spread, like wildfire, throughout England. The workers under the guilds system are indeed restored to their heritage of craftsmanship. It is the guild which dictates the quality of work to be done and not the financial factors involved. Certainly nothing could be more for the betterment of human shelter, no matter what its kind, than an improvement in quality of work done. Resentment at the quality of work compelled under the competitive contract system in building is a far greater factor in that malady so glibly denominated "industrial unrest," than is commonly reckoned.

THEY ARE BUILDING HOUSES

The building guilds of England have contracted for some millions of housing. That which has so far been completed has passed all tests of quality, and has shown a great saving in cost. Such an experiment, based upon the principle of self-government, of full-time pay (and that is a tremendous factor, the importance of which is too often forgotten in the consideration of many so-called "wage problems"), of no contingent profit, but a wage based on the prevailing union schedule, of the functional organization of all who build, from architect to hodcarrier, cannot but demand an impartial and conscientious scrutiny from whosoever has the intelligence to see below the surface of the present industrial tangle. Whether the building guilds of England shall survive is a question that no man may answer at this moment. If their successes continue, it seems difficult to believe that the English people will prefer to pay more for their buildings by reverting to the method which has so far failed so signally, either to produce good building cheaply or to satisfy either the material or the spiritual needs of those upon whom the building industry depends.

Even those who admire the spirit of the guildsmen, and are themselves concerned with the problems of our industrial system, often express doubts as to whether the guilds' appeal will serve to hold the movement together. Can a rational society be evolved through the guilds? Who knows? Much will evidently depend upon the degree of fair play that is extended to the building guilds, for they are an actuality, not a theory, and they have really built some hundreds of houses, will ultimately build many hundreds more, and they are now organizing to enter the field of private building of all kinds.

THE BUDGET IN THE MODEL STATE CONSTITUTION

BY A. E. BUCK
National Institute of Public Administration

THE need for a budget system in controlling the finances of state governments is now admitted by practically everyone. In fact, forty-five states have already provided by statute or by constitutional amendment for the establishment of such a system. There is still, however, considerable difference of opinion upon the method by which a budget system should be established. The main questions at issue are two—the second being a corollary of the first. Should the state budget system be established by writing some provisions in the constitution? If so, what budgetary provisions should be written in the constitution?

So far, three states (Maryland, Massachusetts and West Virginia) have written budget provisions in their constitutions. With most of the other states the budget system has been "on trial." Although a number of the states have amended their budget laws from time to time, or have passed new budget laws repealing the old laws, the experience of these states without exception has been such that not one has thought of abandoning the budget system. On the contrary, there is a growing opinion among the states that it has vindicated its usefulness to such an extent that it should be made a permanent procedure for state governments. In order to give it this permanency, it should be written in the state constitution. When this is done the system will not be susceptible to every political wind that blows; consequently, it will be much more effective as a method of conducting the state's business. The National Municipal League's committee was unanimously of the opinion that certain general provisions for a budget system should be included in the model state constitution.

When it came to drafting the budget provisions the members of the committee agreed that only the bare essentials of budgetary procedure should be incorporated in the model constitution and that all details should be left to a supporting statute. As a basis for determining these essentials the committee started with the principle that financial planning for the going concern of government is initially a function of the executive; therefore, the governor should be responsible for the preparation of the budget. But it was agreed that the application of this principle should not operate to curtail legislative power or control over the appropriation of public funds.

GOVERNOR TO DIRECT THE PREPARATION OF THE BUDGET

The budget provisions of the model constitution presuppose a compact administration composed of about a dozen departments, the heads of which are directly responsible to the governor (see discussion in NATIONAL MUNICIPAL REVIEW for April, 1921, pp. 226–232). Such an organization enables the governor to prepare a comprehensive budget plan and, what is even more important, it places him in a position

where he can really carry out the plan when the legislature has authorized the appropriations.

It is assumed that the new governor will take office about two months before the opening of the regular session of the legislature. In fact, preceding sections of the model constitution provide that the governor will be inaugurated on the first Monday in December and that the legislature will meet on the first Monday in February. This provision remedies the situation existing in a number of states where the outgoing governor prepares the budget for the incoming governor and his administration. It allows sufficient time for the new governor to get the budget in shape for presentation to the legislature at the beginning of the session or not later than one week after the session begins. There is also an advantage in requiring the budget to be submitted to the legislature early in the session; it gives plenty of time for committee consideration and review by the members themselves.

It is presumed that the governor will have a permanent budget staff agency either in a department of finance or attached to his own office, which will work under his direction in the preparation of the budget and will be engaged in gathering budget information throughout the year. Such a staff seems quite essential to successful budget-making since budget needs are determined largely on the basis of past experience.

For the preparation of the budget the various departments, offices and agencies are required to furnish the governor such information in such form as he may require. This provision applies to the courts, the legislature and all agencies of whatever character requesting or receiving financial support from the state. It implies that the governor through his staff agency is to provide a budget classification and standard forms upon which the estimates are to be submitted. The time for submitting the estimates and definite responsibility for their preparation may be fixed by statute.

FORM OF BUDGET DOCUMENT NOT SPECIFIED

Nothing is specified as to the form and contents of the budget beyond the general statement that the document must set forth "a complete plan of proposed expenditures and anticipated revenues" for the next ensuing fiscal year. As yet the budget movement in this country is not old enough to have developed a standard form to be followed in making up a budget document. So far, different states have found it necessary to emphasize different features of the financial plan. Where detailed provisions on the form of the budget have to be written in the constitution, as is the case in Maryland, they have hindered rather than helped the making up of a concise and easily understood document. The development of the technique of properly presenting information in the budget document should not be hampered by constitutional provisions. Our budget experience up to this time indicates pretty clearly one thing: that the complete budget plan—all proposed expenditures and the means of financing them—should be and can be presented in a single-page statement, the remainder of the budget document to consist of supporting schedules to this statement. If the governor proposes expenditures in excess of the anticipated expendable resources of the state, this fact should be clearly shown; and it should then be the duty of the governor to recommend additional means of meeting the proposed expenditures. Otherwise his budget plan will not be complete.

GOVERNOR TO SUBMIT APPROPRIATION AND REVENUE BILLS TO LEGISLATURE

The governor, at the time of submitting the budget to the legislature, is required to introduce a general appropriation bill containing all the proposed expenditures set forth in the budget and likewise a bill or bills covering all recommendations in the budget for additional revenues or borrowings by which the proposed expenditures are to be met. There are three very good reasons for this provision. When bills to carry out the budget plan are submitted with the budget, the legislature has something concrete to refer to its committee and to set to work upon; otherwise the legislature may be inclined to regard the budget merely as an administrative report and for that reason give little attention to its recommendations. By this procedure the governor is given an opportunity to set up in the appropriation act whatever degree of itemization he thinks is necessary and to suggest the terms and conditions to be attached to the appropriations. Furthermore, if the governor proposes to expend more money than can be raised under the existing revenue laws, he should propose measures by which additional funds are to be raised; the legislature should not discuss and pass upon appropriations without considering, at the same time, the sources of income to meet them.

GOVERNOR'S APPROPRIATION BILL GIVEN PRIORITY IN THE LEGISLATURE

The legislature is required to pass upon the general appropriation bill and any emergency appropriations recommended by the governor before taking up any appropriation bills introduced by members of the legislature. This provision gives precedence to the budget program. It aims at bringing about early consideration of the budget plan by the legislature and at keeping the attention of the members of that body concentrated on the plan until it is finally acted upon. Emergency appropriations cannot be made for a longer period than the date when the general appropriation bill becomes effective.

LEGISLATURE NOT LIMITED IN ITS ACTION ON GOVERNOR'S PROPOSALS

The legislature is not limited in its action upon the general appropriation bill. It may amend this bill by increasing, decreasing, or striking out any of the items, or by adding new items. As a safeguard against ill-advised action on the part of the legislature either in changing the general appropriation bill or in passing special appropriation bills, the governor is given the power to veto, as a whole or in part, items in such bills. As a further check the legislature is not allowed to appropriate for any fiscal period in excess of the expendable resources of the state for that period.

Only the Maryland budget amendment and those amendments or laws which have been copied from it have placed restrictions upon the power of the legislature to increase the governor's budget proposals. Of the five states which adopted the Maryland provision, New Mexico and Nevada have eliminated it from their budget laws. Utah is dissatisfied with it and likely to eliminate it at this session of the legislature, and Indiana's proposed budget amendment (copied from Maryland) failed to pass the recent legislature a second time largely on account of this provision. West Virginia has the provision embodied in a constitutional amendment. The experience of both Maryland and West Virginia on this

point has not been very satisfactory. It would seem that such a provision is practically unnecessary in a state government where the administrative organization centers responsibility in the governor, as is proposed under the model constitution. If the legislature should appropriate more money than is necessary to carry on the activities of the government, the governor can prevent the expenditure of it since he is in complete control of the activities. The only need, then, for such a provision is to catch the appropriations that may be made for local purposes, the expenditure of which is not administered by the governor. In such cases the governor has the right to exercise his veto power and consequently prevent the appropriation from becoming law unless it is repassed by a two-thirds vote of the legislature, in which case the responsibility is clearly upon the legislature.

LEGISLATIVE PROCEDURE ON THE BUDGET

The legislature, which is to be a unicameral body, is required to hold at least one open session in its consideration of the budget at which taxpayers and the general public may appear and be heard on any of the budget proposals. One-fifth of the members of the legislature may require the governor to appear before the legislative body to explain the budget, or it may require the governor or his designated representative to appear before any of the legislative committees. This procedure is designed to give a minority group in the legislature a chance to criticize the budget plan and by this method to interest and inform the general public. The governor may voluntarily appear before the legislature and discuss the budget. Under other provisions of the model constitution he and his department heads are given seats in the legislature, but without votes. It is presumed that the legislative procedure which is used will be such as to give full publicity to the consideration of the budget at all stages in its passage through the legislature. It is intended that all budget problems will be handled by a single committee. This will tend to preserve the unity of the budget plan and will avoid the bad practice in a number of states where five or six legislative committees work independently on different phases of the budget plan at the same time.

INDEFINITE AND CONTINUING APPROPRIATIONS ELIMINATED

Finally, as a check against indefinite and continuing appropriations, it is provided that no money shall be paid out of the state treasury except in accordance with specific appropriations made by law, and that an appropriation shall not confer authority to incur obligations against it after the termination of the fiscal period to which it relates. This enables all accounts to be closed at the end of the fiscal period and a complete budget to be set up for the ensuing fiscal period. Appropriations for capital purposes which cannot be materialized within the fiscal period should lapse at the end of the period and new appropriations should be made for continuing the work. Indefinite and revenue appropriations should not be made, as neither can be properly controlled. All revenues should go into the state treasury and expenditures should be made only upon definite appropriations by the legislature. Continuing appropriations have recently been abolished by law or discontinued in practice by several of the states. Wisconsin is the most notable example of a state having a system of continuing appropriations.

THE NEXT STEP IN CIVIL SERVICE REFORM

BY W. E. MOSHER

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The next step in civil service reform is an administrative agency with power over work relations, conditions and environment. The civil service commission is to have the full function of employment management. :: :: :: :: :: :: :: :: ::

A REVIEW of the history of civil service reform will show that there have been, up to the present time, two distinct and important steps taken in the direction of an efficient civil service. The first was prohibitive in nature, having reference to a specific abuse. The original civil service act of 1883 aimed to guard the entrance into the service against the abuses of the spoils system. The second is corrective and regulatory in nature, having reference also to a specific abuse. I refer to the inequalities in the salary scale of any typical group of civil service workers. As is well known, Chicago blazed the trail in 1909 for the classification of positions on a duties' basis as the essential initial stage in setting up an equitable salary scale. A third step in advance, which is just now getting under way, is corrective and constructive in nature, having reference to the whole round of employment conditions and relations. I refer to the policy that has already been adopted in part in certain jurisdictions to make of the civil service commission an administrative agency with authority to investigate or stimulate investigations and to administer or to supervise the administration of all those influences in the work relations and work environment which affect the worker and his efficiency. This would cover everything from hours and wages to office conditions. This policy is based on the practice of modern scientific management in the industrial field and on the conviction of the most enlightened employers that the human part of the plant is worthy of the same sort of intelligent analysis and control as the mechanical, or, to state it more technically, that a high rate of productivity requires sound personnel management, as well as sound purchasing, maintenance and sales management.

If interpreted broadly, this third step is the final one in civil service reform, for it involves the establishment of an organization that will be responsible for the correction of any and all abuses that may arise in civil service relations. Moreover, if it functions properly it will go even further, for its functions include not alone the anticipation of abuses and the elimination of causes of abuses in advance, but also the initiation of measures that will build up the tone of the service and awaken in it a truly creative *esprit de corps*. This last is the ultimate test of successful employment management whether in civil or industrial and commercial service.

Such reasoning led the Training School for Public Service of the Bureau of Municipal Research to offer, in 1918–19, a series of courses in employment management in co-operation with the War Industries Board—such courses as were being given in various

schools and universities all over the country. Although the main body of the students was made up of those sent from industrial establishments, there were always one or more students who came from the civil service field. In taking up the special problems of such students it was found that there was never any reason to seriously modify the fundamental principles of employment management that had been generally accepted.

I feel the more convinced of this after having made the effort, as a member of the directing staff of the joint congressional commission on the reclassification of salaries, to apply these principles to the employment policy of the federal government. It will be found on examination that the policy that has been incorporated in the bill of the reclassification commission, or recommended in the report accompanying the bill, corresponds in all of its fundamental features to the policy that is embodied in the standard principles of modern employment management.

Although this policy has not yet been enacted into law and therefore tested out in practical operation, it has been so thoroughly scrutinized and criticized by representative congressmen, civil service administrators and employes that there is every reason to assume that in its main features it will be ultimately adopted.

Certain outstanding considerations that may be applicable to other jurisdictions as well may be derived from the effort made in the work of the reclassification commission to develop a well-rounded and up-to-date employment policy for the federal civil service.

CENTRAL EMPLOYMENT AGENCY NEEDED

First and foremost among such considerations, as I have previously indicated, is the fundamental importance of establishing a central agency endowed with some degree of administrative power, or at least with the right and obligation to investigate, report and recommend to the administrative head or legislative authority with regard to employment conditions. It is the belief of those who have given this matter special attention that such centralization of supervisory control would largely eliminate the difficulties commonly arising among civil service workers.

As this is so important a consideration it will be profitable to analyze the causes of maladjustments frequently occurring in the civil service.

It seems to the writer that most difficulties to-day are to be charged: (1) either to more or less inflexible control in certain directions on the part of the legislative body, or (2) to such a distribution of authority among a shifting group of administrative officials that impartiality and zeal, favoritism and neglect, jog comfortably along side by side.

As to the first, legislators naturally think in terms of law and express themselves in terms of law. But in its very nature law is likely to become static; and it is unlikely to brook exceptions. Numerous instances might be cited to prove the harmfulness of remedying employment conditions by means of sweeping legal regulations. Legislative bodies because of their natural method of articulation and control—namely, by means of legal regulation—are probably peculiarly unfit to administer employment conditions that are, by their very nature, so little given to standardization and predetermined treatment. Without further argument one may conclude that successful personnel administration is far removed from administration by legal enactment. Success lies rather

in the direction of vesting broad discretionary power in an administrative agency that is responsible to and also has ready access to the legislative body.

The second reason for charging a central agency with the responsibility for supervising employment relations is that the administrative heads—normally political appointees—come and go, both the good and bad, the experienced and the inexperienced. This makes for a certain element of irresponsibility, but it also leads to a bewildering variety of practices affecting the employes. Moreover, tradition plays a very decided rôle. The average administrator, realizing the more or less temporary character of his tenure of office, is likely to accept the things that be.

A SATISFACTORY CAREER THE GOAL

Although it is perhaps most natural to refer first of all to the abuses which a central employment agency might eliminate, I conceive of it, however, as engaged largely in constructive activity, and shall, therefore, develop its activities from this point of view. At the very outset I would emphasize that its goal and target is to make possible and to assure the worker the only thing that makes life worth while, *i.e.*, a satisfactory career.

Briefly stated the conditions that must be observed to accomplish this are the following: a fair wage, opportunity for growth and promotion, recognition of work well done, healthful and safe working conditions, and, finally, adequate opportunity for self-expression in the work itself as well as in determining the conditions surrounding it. This is the program of a modern employment agency, and it adopts this program confident that every element in it can be justified in terms of increased returns and improved service.

The degree of activity of a central agency engaged in carrying out the different functions implied in the program just outlined will vary. In some directions its activity would consist in co-ordinating the policies of the various administrative units; in others, it would resolve itself into stimulating administrative officers to initiate and co-operate in carrying out a common policy; in still others, it would become simply a matter of general supervision. But in every phase its success will be conditioned by its ability to establish and maintain cordial co-operation with both the administrative heads and the rank and file of the workers and its tact and resourcefulness in presenting an employment policy to them that is both sound and practicable.

If the civil service commission, the natural agency to undertake this work, is selected as the personnel organization, it would necessarily have to become a part of rather than apart from the rest of the administration. The latter is all too often the case to-day. Without interfering with the autonomy of the organizations involved, its representatives should keep in such intimate contact that they cannot alone make careful job analyses for the purpose of filling positions better and keeping the classification current, but that they also may contribute constructively toward developing a vital *esprit de corps*, the final goal of any employment policy worthy of the name.

DUTIES OF THE CENTRAL AGENCY

Having reviewed the chief reasons for centralizing responsibility, it will be in order to consider the functions of a central personnel agency for civil service in some detail. They may be summarized under five headings: (1)

employment, (2) research, (3) training, (4) health and safety, (5) joint control. The first two are administered directly by the central agency. Its function as to training is to stimulate and co-ordinate; as to health and safety, to supervise in a general way the activities of a medical staff and a safety engineer working on part or full time; as to joint relations, to recommend the organization of and to co-operate with representative advisory or personnel committees.

To discuss briefly the scope of these activities under (1) employment are included the functions of recruiting, selection, follow-up, development of a uniform efficiency rating system, transfer, promotion and personal records. Under (2) research is to be understood job analysis and specifications, the development of more practical and effective tests and examinations, wage and cost of living studies.

The activities listed under the first two functions are sufficiently understood to be acceptable without further argument. This is not the case as to the remaining three. Therefore they will be treated in some detail.

The third function, training, would require a survey of the policies now in operation as to the methods of introducing a new appointee into the work of the organization and also of the opportunities now offered for training for promotion. Such a survey would lead to the formation of special courses adapted to the work of the service for which there seemed to be need or demand, these courses being given either within the service or in co-operation with the public schools or other institutions of learning. The personnel department must be alive to the need of devising means whereby unsuspected talent may be discovered and developed, and ambition may find an appropriate outlet. For younger recruits, particularly, the opportunity for growth is more important even than a satisfactory wage.

Training and promotion are inextricably bound together. The civil service commission that does not develop a well-balanced promotion policy which is closely knit together with a sound training policy is failing to take the second most important step—the first is naturally a proper salary scale—toward rehabilitating the civil service.

HEALTH AND SAFETY

As to health and safety (4), the federal government and more than one state government have permitted a laxity in the supervision of working conditions that would not be tolerated by most progressive employers and wide-awake factory and building inspectors in our leading states. From one report alone that was submitted to the reclassification commission by the public health service one reads of tubercular and syphilitic persons working in one department side by side with their fellows. From another source, of a victim of tuberculosis who was discharged by one department from fear of contagion and taken on by another that was never informed of the danger.

Factories have found that health supervision, emergency attendants rest rooms and visiting nurses pay big returns in terms of what the English call better "time-keeping." Washington has discovered the same thing in a few bureaus, but not in most. There are to-day literally tens of thousands of clerks who have no access to rest rooms and no expert or even first-aid assistant at hand in time of emergency.

Those less obvious factors that influence both efficiency and health, such as temperature, humidity, ventila-

tion and lighting, are controlled only by chance in the average civil service establishment. I imagine that each reader can recall from his immediate experience offices or work rooms where good standards with respect to such working conditions are grossly violated. This applies as well to safety standards. The federal government with elevators minus all safety appliances, doors opening inward, lack of proper fire escapes and means of fire protection is probably not unique among civil service jurisdictions.

These matters that have been nobody's business heretofore may reasonably be put under the general control of the personnel organization, which should probably be empowered to enlist the co-operation of the board of health and the engineering department.

DEMOCRACY IN THE CIVIL SERVICE

Finally, joint control. In theory, at least, the leaders of industry have gone on record as in favor of a measure of joint control—now frequently called industrial democracy. The question naturally presents itself as to whether the administration of a democratic government should not also be expected to function democratically; if not to assume the leadership, at least to make a start on the path that has already been blazed by a number of progressive private employers.

There is no time to weigh the pros and cons of this suggestion. I can only say that the reclassification commission proposes the formation of an advisory council—representative in character—that would work with the civil service commission and bring to bear on the formulation and amendment of civil service policies the judgment and interest of those most concerned and most competent to advise. The reclassification measure also provides for the appointment of representative committees in each of the organization units and their major subdivisions. It is recommended that they might in the first instance handle grievances, initiate efficiency ratings, consider and make suggestions as to the work process and working conditions.

It is obvious that we have not yet made a start in this direction. It is equally obvious in my opinion that we shall and must. The civil service units in a democratic country must be administered democratically. Instead of being laggards, they should rather point the way. As a government, whether federal or local, let us practice what we preach.

If the theory of joint control is accepted, the practical implications for the personnel agency would seem to involve the following functions: (1) to outline a policy for the selection of representative committees in the various major divisions of the government, (2) to make constructive suggestions from time to time as to the next steps to be taken in the direction of more democratic administration of personnel matters, (3) to stimulate consistent action on the part of those in charge, and (4) finally to co-operate with properly chosen representatives with regard to all matters over which the civil service commission has responsibility.

I have now outlined what I think is the next step in civil service reform. In concluding, I should say that I am fully aware of the fact that this step will not be taken by any civil service unit once and for all, nor probably by any two in one and the same way. But I am confident that what I have called the third step in civil service reform will ultimately be taken, since it is founded on two basic and fundamental considerations: the one, increased efficiency because of a more efficient

personnel, and the other, human aspirations and rights. The responsibility for these two determining factors in any productive enterprise cannot be left to chance as they have been in the past; they, too, must be controlled and supervised by a part of management that has been specially charged with this function. If the civil service commission is to take over the functions outlined above, the typical commission must be rehabilitated, or, probably better, reconstituted. In the past the commissioners have often been political appointees, unqualified and inexperienced so far as personnel administration is concerned; they have commended themselves to administrators chiefly through being innocuous; normally, they have been consigned to isolation, or at least treated with toleration by those whom they were professedly serving. The first step towards rehabilitation is therefore the appointment of professional and experienced administrators who have won their spurs in the difficult task of handling or, better, leading large groups of men. Secondly, employment experts must largely supplant and otherwise supplement the employment clerks who now constitute nearly the whole working force of the typical civil service commission. Finally, and this is of essential importance, the rather substantial dividing walls between the civil service commission and the various departments must be swept aside and intimate contacts established.

If this does not occur, if functionalized employment management is not set up, the familiar civil service jog-trot will continue, abuses and irritations will ceaselessly arise, costly drives for specific reforms will follow one upon the heels of another, and basic civil service reform will continue to be something wished for, but not attained.

This map, prepared for publication in the seventh year book of the City Managers' Association, presents graphically the spread of the city-manager movement. Michigan leads with 29 cities, California has 20, Texas 19, while Oklahoma and Virginia tie at 18—north, west, south and east. Since this map was drawn, Houston, Texas, has created the position of manager by ordinance and Miami, Florida, and Bluefield, W. Va., by charter, bringing the number of municipalities now operating under, or pledged to city-manager government in the United States to 227,—162 by charter, 65 by ordinance, in Canada 7, of which 6 are by charter, a total of 233.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Administrative Consolidation in California.—After more than two years of agitation, mainly on the part of the Taxpayers' Association, for administrative consolidation in California, Governor Stephens sent a special message to the 1921 legislature recommending the passage of a series of bills designed to regroup and consolidate the majority of the statutory administrative agencies of the state. To carry out the governor's wishes, nine separate bills were enacted by the legislature.

The first bill creates a department of finance with the three members of the state board of control at its head. This department takes over general accounting, budget-making, purchasing, printing, motor vehicle regulation, and custody of buildings and grounds. The second bill creates a department of professional standards headed by a director who receives $5,000 per year. This department issues licenses for the practice of all the trades and professions, such as, medicine, dentistry, embalming, pharmacy, accounting, optometry, etc. The third bill creates a department of labor and industrial relations which brings together the industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics under as many divisions. The executive head of this department is a board composed of a representative from each of the four divisions. The fourth bill creates a department of education with the state superintendent of public instruction (a constitutional officer) as director. The board of education, consisting of seven members, is continued in connection with this department and is given certain powers over normal schools. This board is in reality the head of the department, and the director is its executive officer. The fifth bill recreates the department of agriculture established in 1919, and adds to it the state superintendent of weights and measures and the state market commission. It is headed by a director at a salary of $5,000 per year. This department will have at least five divisions: plant industry, agricultural chemistry, animal industry, markets, and weights and measures. The sixth bill creates a department of public works under a director at a salary not to exceed $10,000 per year. It will consist of at least five divisions: highways, engineering and irrigation, water rights, land settlement, and architecture. A board of public works, established in connection with this department, consists of the director and the three members of the old highway commission continued in office at a salary of $3,600 each. The seventh bill creates a department of institutions under a director at a salary of $5,000 per year. This department takes over most of the charitable and correctional institutions of the state. The local boards of trustees are continued as advisory boards. The eighth bill relates to the civil service commission which formerly consisted of three commissioners at $3,000 each per year. Hereafter, the commission is to consist of a single executive officer at an annual salary of $4,000, with two assistants who receive $10 per diem for their work not to exceed $500 per year. The three are appointed by the governor for four year terms. The ninth bill sets up certain general provisions relating to the newly created departments. It provides, among other things, that the appointees of the governor shall hold office at his pleasure.

A large part of this work seems to be a rearrangement of existing administrative agencies rather than a genuine reorganization. The department of institutions and the department of professional standards apparently offer the greatest possibilities under this plan for better service.

A. E. Buck.

City-Manager Campaigns.—During the past month, Miami, Florida, Benton Harbor, Michigan, New London, Connecticut, Michigan City, Indiana, and Bluefield and Morgantown, West Virginia, have all adopted city-manager government.

In the elections which have been held in Indiana under the new optional charter law, the city-manager plan has met with seven defeats and one victory. Other cities are voting on the plan in June, but we go to press too early to announce results. On June 7 the plan was defeated in Anderson, Kokomo, New Albany, Muncie and

Princeton; and adopted in Michigan City by a close majority. Marion and Connersville had previously registered defeat.

The campaigns in Indiana were marked by more personal abuse and vilification than has heretofore attended charter campaigns. Both the Democratic and Republican state organizations came out against city-manager government, and the cue was followed by the county leaders. Indiana is noted as a state in which both parties are efficiently organized to the last ward and township. Evidently these organizations depend upon the spoils of local offices, for the prospect of non-political administration and non-partisan elections threw them into a panic. The campaigns teemed with ridiculous charges and absurd statements. Where the plan was defeated, it was voted down by good majorities, although in each case the vote was light. In most cases there was a notable lack of interest. The whole situation can be explained by the speed with which advocates of the plan worked. Scarcely sixty days after the permissive legislation had been passed, the question came to vote. This was not long enough to educate Mr. Average Citizen to the big idea in the plan, although the party machines were quick to perceive its dangers, and acted accordingly. The chairman of the Republican state committee spoke as follows:

> "The defeat of the proposed city-manager form of government in five Indiana cities yesterday is most reassuring. Our government has always been based on party responsibility, and it is pleasing to know that the people are not ready to abandon our present system based on a fixed responsibility through parties. These elections show that the voters believe in political parties, in group responsibility, and in party organization, by which all the elements of our citizens may find representation."

New London, Connecticut, adopted city-manager government on June 7 by a 2 to 1 vote. It is the first Connecticut city to accept the plan. On June 14, New Haven rejected it by a 2 to 1 vote. Less than 60 per cent of the normal vote was cast, although the campaign was extremely bitter. A favorite story was that the National Municipal League, the national advocates of the plan, were supported by the Standard Oil Company, and were nothing but a crowd of franchise grabbers at that. If a man is known by the enemies he keeps, the League has reason to be proud of itself in Indiana and Connecticut.

On June 1, Canton, Ohio, defeated city-manager government. The opposition was a curious mixture of Socialists and Guardians of Liberty.

*

Sound Pension System for New Jersey State Employes.—A law has been enacted in New Jersey this year establishing a sound retirement system for the employes of that state. This is the result of a four years' endeavor on the part of the leaders of the sound pension movement in New Jersey. It was drafted originally in 1917 by a special legislative commission appointed to investigate the pension situation, which was just as chaotic as that of any other system. The commission was assisted in this work by the Bureau of State Research of the New Jersey State Chamber of Commerce. The bill, supported by very comprehensive data as to the cost involved, was introduced in the legislature, but public opinion was not ready for the measure. It was consequently laid over for another year. In the meanwhile, the teachers pension problem became pressing and shoved the state employes into the background. When the teachers' problem was finally settled in 1919 by the enactment of a measure reorganizing their system on a sound basis, efforts were renewed in 1920 on behalf of the state employes. The bill passed both houses, but the governor vetoed it. Finally, this year both the legislature and the governor approved of the measure.

Under the new system retirement will be allowed at 60 or, in cases of earlier disability, on a retirement allowance, consisting of an annuity from employes' contributions and a pension from the state and amounting to approximately one seventieth of salary for each year of service, except that in case of disability in performance of duty the benefit is greater. The employes will contribute according to their entrance age and occupation from about 3½ per cent to about 8 per cent of salary, and the state will contribute its normal share, which in case of superannuation will approximately match the annuity. It will also discharge all accrued liabilities on a reserve basis in the course of approximately thirty years. In case of resignation or dismissal or ordinary death the employes' contributions will be refunded and liberal benefits are provided for the cases of accidental deaths.

Now that the teachers and other state employes are covered by sound retirement provisions, the only group of public employes that remains to be so covered are the municipal and county employes who now either work under

unsound pension laws or have no pension law at all. Repeated efforts to establish a comprehensive municipal pension system have hitherto failed, because of the opposition of the policemen and firemen. Still the promoters of the sound movement do not give up their hopes of succeeding also in that field.

PAUL STUDENSKY.

Oregon's New Budget Law.—The legislature of Oregon in its 1921 session adopted a budget law which was prepared and fathered by Senator I. L. Patterson. Governor Olcott gave active support to the plan. The Oregon plan is what is known as the administrative committee plan.

Certain features of the law may not be all that could be desired. It might be contended that the budget commission should exercise greater control during legislative action. The amount appropriated to prosecute the work is small. The time given by experts will necessarily be limited.

On the other hand, there are certain obvious advantages. The commission is particularly well constituted, because the board of control has immediate supervision of all charitable and penal institutions of the state. The governor and secretary of state are members of the boards of regents of the three state educational institutions. Their term of office is four years and together they make a continuing body, because the secretary of state is elected at one election, and the governor and treasurer at the succeeding election. Therefore this body will be in an advantageous position for securing pertinent data at all times relative to the income and expenditures of the state. Also, there is every reason to believe the joint committee on ways and means will be glad to have these authoritative and systematized data placed before it, instead of being compelled to collect the same. Much will depend on the spirit of co-operation between the legislative and the administrative offices. Judging the future by the past, it is fair to presume the departments will gladly co-operate, and that the advantages of the system will be so apparent that the later legislatures will gladly strengthen the law and see the advantage of spending more money if necessary in securing the necessary data for scientific budget making.

U. G. DUBACH.[1]

[1] *Oregon Agricultural College.*

The National Parks and Reorganization.—For years the American Civic Association has carried on educational work to explain and extend the national park principle. It led in the long fight to secure an organized national park service. As a result of the combined efforts of those interested, there was established about four years ago a national park service in the department of the interior, with Mr. Stephen Mather at its head. Mr. Mather has been responsible for a liberal policy which has meant a wide-open door to the people that they may have every facility for enjoying their parks so long as they recognize and observe the social law of equal treatment for all and special privileges for none. Appointed under the last administration, Mr. Mather has been continued under this, and the people are thus assured that their national park service will continue to be directed by an experienced park man.

The national park service is directly responsible for the administration of nineteen national parks and twenty-four national monuments. In the war department, under the quartermaster-general, the Antietam battle field is administered, and under an officer in the office of the secretary of war two national monuments are directly administered. The battlefields of Chickamauga and Chattanooga, Shiloh, Gettysburg, Vicksburg and Guilford Court House are administered by one or more commissioners each, as is the birthplace of Lincoln. Under the department of agriculture the forest service administers ten national monuments.

This situation should be corrected in the reorganization of the federal administrative service.

H. J.

The Obsolete Coroner in Detroit.—During 1920 the Detroit Bureau of Governmental Research undertook, upon invitation of the board of county auditors, to study the administration of the coroners' office. The principal defects in this office, in the opinion of the bureau, were these:

1. The election of two coroners dissipated authority and added to an already congested ballot.

2. The lack of public or official control over the conduct of the coroners permitted abuses to exist during administrations as relating to the disposition of bodies and property.

3. The lack of a public administrator resulted

in certain properties not escheating to the state, as provided by law.

4. Inquests, on the whole, served no good purpose, and frequently made successful prosecutions more difficult.

After considerable discussion, the bureau came into agreement with the coroners, and co-operated in the drafting of a bill providing for the abolition of inquests except on order of the prosecuting attorney; for the more adequate control of the property of deceased persons; and for the designation of a presiding coroner. The bureau wished to follow the plan operative in New York, a single appointive coroner, but agreed to leave the matter to the state legislature, where this proposition was defeated. The office of public administrator was provided by a general state law.

✻

The Board of Appeals in Zoning Machinery.—Honorable Edward M. Bassett, counsel of the zoning committee of New York, calls attention to the important function of a board of appeals as a safety valve to prevent court decisions against zoning on the ground of arbitrariness. He cites a recent decision of the supreme court in New York county in the case of *People, ex rel. Ruth* vs. *Lee, et al.*, etc., where a writ of *certiorari* was dismissed and the court refused to reverse the decision of the board of appeals on the ground that "the law presumes that the board of appeals will act reasonably on all applications brought before them." The opinion, written by Mr. Justice Lehman, held that even though he might believe "that in some instances the board of appeals gave greater weight to the position of other property holders than it has done in this case, that fact would constitute no ground for a reversal of this decision of the board of appeals if upon the facts proven here that decision is not unreasonable as a matter of law."

The grounds on which the writ was dismissed are of much greater interest to city planners and zoning officers than the fact in this particular case that the action of a superintendent of buildings in disapproving an application for a permit to erect a garage in a certain New York block was first sustained by the board of appeals and later by the supreme court. The real point of interest is that the court definitely recognized the board of appeals as an ex parte body whose decision was presumed to be reasonable if it could clearly be interpreted as within the law.

H. J.

County Government.—Consolidation of the city and county government at Toledo, Ohio, under a city-manager plan with a council of nine members elected at large, is proposed in a report prepared at the request of the mayor by the Chamber of Commerce with the co-operation of the Rotary Club, Central Labor Union, Kiwanis Club, Exchange Club, Lions Club, the Woman's Club and the Ad Club. The report required three months for preparation, and the author is J. R. Cowell, director of the public service bureau of the Chamber of Commerce.

In New York, the constitutional amendment permitting Nassau and Westchester counties adjoining New York city to adopt new forms of government, subject, however, to the existing necessity of leaving various county officers separately elective, passed the legislature for the second time and will be voted on by the people in November.

Civic organizations in Arlington county, Virginia, attempted in April to secure the adoption of a county manager; but were halted by legal difficulties.

✻

Traction Situation in Detroit.—A recent shake-up in the management of the Detroit United Railway is believed to mark the beginning of a conciliatory attitude towards the city of Detroit. It will be recalled that the D. U. R. has lost several important lawsuits against the city, the last having been carried to the United States supreme court. Mr. Alex Dow, president of the Detroit Edison Company, a man who possesses the goodwill of the people although head of a public utility, has been appointed a director of the D. U. R. Harrison Williams of the Central Trust Company of New York has also been appointed to the directorate. It is believed that this is because the financial interests behind the D. U. R. do not want to suffer because of old antagonisms between the company and the city.

On the face it looks as if the company considered municipal ownership inevitable, and was taking steps to protect its interests when the city takes over its property in Detroit.

✻

Illinois' New City-Manager Law.—At last a law providing for the city-manager plan of government has been passed by the Illinois legislature, and approved by the governor of the state. The measure is very limited in its application, however, being confined to cities and villages of 5,000 population, or less. It is the hope of the

backers of the city-manager plan that the law may be amended at a later session so as to apply to larger municipalities. As it was, the bill encountered considerable opposition in the legislature. Various suggestions for modification calculated to impair the efficiency of the plan were suggested, but only one was actually incorporated in the law. That is the provision giving the manager a definite term of two years. The bill as originally drafted gave the manager an indefinite tenure, leaving him subject to removal by the commission at any time, which is the approved policy.

GEORGE C. SIKES.

II. JUDICIAL DECISIONS

Counties Engaging in Abstract Business.—This was a taxpayer's suit brought to test the right or power of Wayne County in which Detroit is situated, to establish and maintain a tract index and to make and furnish abstracts of title to lands in that county. The necessity for the maintenance of an index of the tract as well as of the usual alphabetical, or grantor and grantee index, was shown. The court first took judicial knowledge of the fact that abstracts prepared by private abstractors would be simply a copy or duplicate of the tract index. The court held that when action is taken by the state, or one of its municipal subdivisions, manifestly in the interest of its people as a whole, and the rights of individuals are not abridged thereby, and such action is not within some constitutional or statutory inhibition, it should be upheld as a valid exercise of authority, though lacking in any positive grant of power to support it.

Further, that a county having expended a large sum of money in preparation of a tract index, may give its people the benefit thereof, by furnishing pages upon request and payment therefor, without being subject to the objection that the county is "engaging in a business" as such expression is used in commercial transaction.[1]

✻

Municipal Liability.—No action can be maintained against a city for injuries received from falling into an elevator shaft in the city hospital negligently left unguarded; the maintaining of such a hospital being an exercise of the city's police power, a governmental function.[2]

✻

Interurban Railways as an Additional Servitude.—The defendant, a street railway company which had a local franchise and rendered the usual local service within the city, used its street railway system to carry passengers brought in from and carried to points beyond the corporate limits. The plaintiff, the city of Milwaukee, claiming that the latter use constituted an additional servitude on the streets, seeks to enjoin same. Held, that a street railway company which renders the usual local service on the city streets does not create an additional servitude thereon entitling the abutting owners to compensation by also using the streets for interurban service.

This case reverses an earlier Wisconsin case (120 Wis. 477), but seems to be in line with the more modern tendencies of the courts.[3]

✻

State Cement Plant.—An opinion handed down by the judges of the supreme court of South Dakota, recently, will be of interest to several of the larger cities. In the opinion, which was requested by the governor, the court held that it was within the constitutional powers of the state to own and operate a cement plant. Some courts have held this not to be a legitimate purpose for taxation.[4]

✻

Paving Contract.—In a taxpayer's suit to enjoin the city from paying to a paving contractor the amount called for in the contract, it was shown that the work performed did not comply substantially with the specifications of the contract. To this the court held, "under such circumstances it is well settled that a taxpayer's bill to enjoin further payments will be sustained, and we need only again repeat the warning that in a proper case public policy requires this remedy shall be unflinchingly applied, since not otherwise can those who contract with the public be taught that it is just as dishonest to wrong the citizens in their governmental capacity as it is in their individual capacities.[5]

[1] *Thomas* v. *Board of Supervisors*, 182 N. W. 417.
[2] *Scott* v. *City of Indianapolis*, 130 N. E. 658.
[3] *City of Milwaukee* v. *Milwaukee Electric Ry. Co.*, 180 N. W. 339.
[4] 180 N. W. 957.
[5] 113 Atl. 200.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

On November 22, 1920, J. R. Cowell, director of the public service bureau of the Toledo Chamber of Commerce was authorized by representatives of civic organizations and the mayor, to make a cursory survey of all city activities and make recommendations as to means by which the Toledo government would be more effective and economical. Mr. Cowell's report with recommendations was issued April 25. The report discusses practically all city departments and concludes with thirty-two recommendations; the principal ones having to do with city-manager government for the city, county and state consolidation, closer adhesion to the charter in the operation of city departments; the abolition of the three platoon fire system, and that the official commission of publicity and efficiency be developed for greater usefulness.

Mr. Hart Cummin, who has been connected with the Institute for Public Service, has joined the staff of the Public Service Institute of Kansas City, Missouri, as engineer.

The National Institute of Public Administration has been organized as the successor of the Training School for Public Service. It will continue the technical consulting and research activities of the New York Bureau of Municipal Research which has been fused with the Institute. The purpose of the Institute will be to train men and women for public service and to improve standards of governmental administration. The Institute will maintain its offices at 261 Broadway, New York City.

Through co-operation of the coroners of Wayne County with the Detroit Bureau of Governmental Research, legislation was recently enacted amending the procedure of the coroner's office and, in particular, abolishing the inquest powers of the coroner's office except upon order of the prosecuting attorney. It had been found that evidence taken before the inquests was frequently used to defeat later prosecutions. The bureau endeavored to secure a single appointive in place of two elective coroners, but was unsuccessful in this recommendation.

The Des Moines Bureau of Municipal Research is located at 1125 Fleming Building, C. M. Young, Director; the St. Paul Bureau is, Care St. Paul Association, C. P. Herbert, Director.

The Institute for Public Service, Dr. Wm. H. Allen, director, has moved their offices to 115th Street at Amsterdam Avenue, New York City. The Institute has become affiliated with the *National School Digest*, now published at Minneapolis, and at their new offices will maintain a permanent exhibit of educational and municipal material.

The Institute for Public Service has recently issued a one-hundred page brochure entitled "Civic Lessons from Mayor Mitchell's Defeat." The exhibits are built up on the principle that governmental research agencies must be prepared to criticize friends as well as enemies. On this point, the Governmental Research Conference in 1916 passed a resolution to the effect "that citizen agencies for public efficiency cannot consistently make the publication of facts contingent upon relationship with public officials or upon expediency."

Mr. Steven B. Story has been appointed acting director of the Rochester Bureau of Municipal Research vice James W. Routh, whose resignation was effective April 30. Mr. Story has been engineer for the Rochester Bureau for several years, and was formerly with the New York Bureau.

The Institute for Government Research has recently added materially to its staff and is giving special attention to the preparation of volumes to appear in its series of "Service Monographs of the United States Government." Monographs are now in preparation dealing with the following services: bureau of war risk insurance, federal board for vocational education, bureau of public health, bureau of foreign and domestic commerce, United States shipping board, and bureau of mines. These services have been selected for immediate treatment because questions are likely to arise in connection with them in the studies now being made on reorganization of the administrative branch of the government.

The Institute for Government Research has completed a detailed manuscript study on administrative reorganization, copies of which will be furnished to the members of the joint congressional committee, the President, and others who have to concern themselves with this problem.

The Institute has recently published *Principles of Government Accounting and Reporting*, by Francis Oakey.

Mr. S. G. Lindholm, formerly with the New York Bureau, is now in charge of Housing Sur-

veys for the Civic Development Department of the Chamber of Commerce of the United States.

The Chamber of Commerce of the United States announces that their civic development department has organized within itself bureaus of education, housing and city planning, immigration and citizenship, national civics, and organization service.

Mr. Paul Illman, well known to many bureau men, has become connected with the Peoples Bank of Buffalo.

The City Government Committee of Louisville, Kentucky, in recommending proposed charter changes, has urged the establishment of an independent bureau of municipal research, with the general support of all city civic organizations.

It is learned that the Bureau of Efficiency and Economy, authorized by the charter of Sacramento, has not been made effective.

A copy of the articles of association of the Bureau of Municipal Research of St. Paul, Minnesota, has been filed in the Conference library.

ROBERT T. CRANE.

IV. MISCELLANEOUS

Syracuse and the Ubiquitous Ash Can.—The department of public works of the city of Syracuse has instituted a new plan for the collection of refuse and ashes in the down town districts, which has been the subject of favorable comment. Under the old scheme the wagons and trailers collected during the week, and the result was ashes and refuse on some curb every day. Commissioner George C. Scheerer, when appointed, devised the plan of mobilizing his entire force of men, wagons, trucks and trailers, in the down town section on one morning of each week, thus eliminating collections throughout the week. The plan has been successful, the entire job is finished in two hours, and the department starts work on the residence districts. The business section is clean, and outside of some inconvenience to janitors, which was quickly adjusted, everyone has approved the plan heartily.

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Governmental Research Conference Meets.—The annual meeting of the Governmental Research Conference was held in Philadelphia, June 2–4, the Philadelphia Bureau being the hosts. A feature was the report of various committees. The reports on public employment problems and organization of school boards called forth some very spirited discussion.

The local arrangements for the entertainment of guests added greatly to the pleasure of the meetings. Social activities included an automobile ride to the estate of Mr. Cyrus H. K. Curtis where the guests were received by Mr. Curtis, and a picnic supper was served at Valley Forge.

Mr. Frederick Gruenberg, director of the Philadelphia Bureau of Municipal Research, was elected president of the Conference. Mr. R. E. Miles, director of the Ohio Institute for Public Efficiency, was elected vice-president, and Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, was reelected secretary-treasurer.

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The Thirteenth National Conference on City Planning was held in Pittsburgh, May 9 to 11. Pittsburgh's street and zoning problems had a prominent place on the program. The session on the enforcement of the city plan was notable because of the earnestness and snap of the discussions.

The following officers and directors were elected: Lawson Purdy of New York, president, succeeding Nelson P. Lewis of New York, who has served two years; George B. Ford of New York, vice-president; Flavel Shurtleff of Boston, secretary; George B. Ford, Nelson P. Lewis, B. A. Halderman of Harrisburg, John Nolen of Cambridge, Massachusetts; T. Glenn Phillips of Detroit, Robert H. Whitten of Cleveland and Edward M. Bassett of New York, directors.

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A Civic League in Fayette, Missouri.—Fayette, Missouri, a college town with a population of about five thousand, has a new civic league which has joined the American Civic Association and subscribed to the REVIEW. Fayette has an annual week of Chautauqua in the latter part of August which is largely attended, and the newly-organized league has requested that the program include an inspiring, illustrated talk on town improvement.

AUDITORS' REPORT

NATIONAL MUNICIPAL LEAGUE

MARCH 1, 1920 TO MARCH 31, 1921

The following is a statement of receipts and disbursements for the thirteen months ended March 31, 1921:

Cash in bank March 1, 1920		$1,427.80	
Receipts:			
Dues:			
Annual	$7,203.22		
Associate	1,512.50		
Contributing	1,707.50		
	$10,423.22		
Subscriptions	5,028.24		
Contributions	19,998.50		
Sales of REVIEW and other publications	2,509.39		
Royalties	206.94		
Baldwin prize	100.00		
National short ballot	409.44		
Charges for services, etc.	263.11		
Interest	62.43		
Sale of furniture	92.00		
Total receipts	39,093.27		
		$40,521.07	
Disbursements:			
Printing REVIEW			$14,145.03
Salaries—officers			6,558.25
Salaries—clerks			7,944.93
Printing and stationery			4,536.38
Postage			1,249.79
Traveling			1,012.15
Rent			963.32
Telephone and telegraph			165.55
Interest and collections			155.43
Clippings			272.60
Publications, subscriptions and books			469.56
Royalties			119.62
Research work			285.76
Furniture and fixtures			546.40
Prizes			125.00
Miscellaneous expense			895.90
Total disbursements			$39,445.67
Balance of cash March 1, 1921			$1,075.40

The following statement is the income account of the League for the period reviewed by us:

Revenue:			
Dues:			
Annual	$7,203.22		
Associate	1,512.50		
Contributing	1,707.50		
	10,423.22		
Subscriptions	5,028.24		
Contributions	19,998.50		
Sales of REVIEW and other publications	2,271.38		
Royalties	206.94		
National short ballot	409.44		
Charges for services, etc.	736.81		
Interest	62.43		
Total revenue	$39,136.96		
Expenses:			
Printing Review			$11,106.10
Salaries—officers			6,558.25
Salaries—clerks			7,944.93
Printing and stationery			4,236.50
Postage			1,249.79
Traveling			1,022.34
Rent			963.32
Telephone and telegrams			165.55
Interest and collection			155.43
Clippings			267.60
Publications, books and subscriptions			604.98
Royalties			119.62
Research work			666.60
Prizes			25.00
Miscellaneous			730.43
Depreciation of furniture and fixtures			250.55
Total expenses			$36,066.99
Excess of revenue over expenses			$3,069.97

In this statement payments on account of debts contracted prior to February 29, 1920, and for furniture are omitted, and the accounts and notes receivable and payable unsettled at the close of the period have been added. No reserve has been made to cover the expenses of publishing and distributing the REVIEW for which payments have been received in advance.

The financial position as at March 31, 1921, is set forth in the following statement:

Assets		*Liabilities*	
Cash in bank and on hand	$1,075.40	Note payable	$975.64
Liberty bonds	600.00	Accounts payable	2,733.66
Furniture and fixtures	558.00		$3,709.30
Accounts receivable	473.70	Funds:	
		Portland	600.00
		General	1,602.20
	$2,707.10		$2,707.10

MARWICK, MITCHEL & CO.,
Accountants and Auditors.